

Guy B. G. Hanna, of Iowa, late sergeant, Company D, Porto Rico Regiment, United States Volunteer Infantry, September 23, 1901, to fill an original vacancy.

George P. Hawes, jr., of Virginia, late private, Company A, First Cavalry, United States Volunteers, September 23, 1901, to fill an original vacancy.

Charles F. Donnohue, of Indiana, late first lieutenant, One hundred and fifty-ninth Indiana Volunteers, September 23, 1901, to fill an original vacancy.

William B. Brister, of New Jersey, late first lieutenant, Fourth New Jersey Volunteers, September 23, 1901, to fill an original vacancy.

Roger O. Mason, of Delaware, late second lieutenant, First Delaware Volunteers, September 23, 1901, to fill an original vacancy.

Harrie F. Reed, of New York, late second lieutenant, Two hundred and first New York Volunteers, September 23, 1901, to fill an original vacancy.

Walter C. Baker, of Pennsylvania, late sergeant, Company C, Sixth Pennsylvania Volunteers, September 23, 1901, to fill an original vacancy.

Charles A. Clark, of Illinois, late sergeant, Company I, Fourth Illinois Volunteers, September 23, 1901, to fill an original vacancy.

Avery J. Cooper, of Oregon, late private, Company L, Second Oregon Volunteers, September 23, 1901, to fill an original vacancy. Robert Davis, of New York, late first sergeant, Company F, Two hundred and first New York Volunteers, September 23, 1901, to fill an original vacancy.

Frank Geere, of Wyoming, late sergeant, Company G, First Wyoming Volunteers, September 23, 1901, to fill an original vacancy.

Natt F. Jamieson, of Vermont, late sergeant, Company L, Twenty-sixth Infantry, United States Volunteers (now private, Company C, First Battalion of Engineers, United States Army), September 23, 1901, to fill an original vacancy.

Richard I. McKenney, of Minnesota, late private, Company C, Thirteenth Minnesota Volunteers, September 23, 1901, to fill an original vacancy.

Andrew W. Jackman, of Illinois, late private, Company F, First Illinois Volunteers, September 23, 1901, to fill an original vacancy.

George L. Wertenbaker, of Virginia, late sergeant, Company D, Third Virginia Volunteers, September 23, 1901, to fill an original vacancy.

Richard P. Winslow, of Mississippi, late corporal, Company F, First Tennessee Volunteers, September 23, 1901, to fill an original vacancy.

Nelson E. Margetts, of Utah, late corporal, Battery A, Utah Volunteer Artillery, September 23, 1901, to fill an original vacancy.

John V. Spring, of Texas, late sergeant, Company I, First Texas Volunteer Cavalry, September 23, 1901, to fill an original vacancy.

Infantry Arm.

Robert O. Ragsdale, of Tennessee, late first lieutenant, Thirty-seventh Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Augustus F. Dannemiller, of Ohio, late private, Company I, Eighth Ohio Volunteers, February 2, 1901, to fill an original vacancy.

Algernon E. Sartoris, of the District of Columbia, May 22, 1902, vice Kerr, Twenty-second Infantry, promoted.

Charles A. Hunt, of New Hampshire, May 22, 1902, vice Cabell, Fifth Infantry, promoted.

Leo B. Dannemiller, of Ohio, May 22, 1902, vice Game, Eleventh Infantry, promoted.

Harry Griffin Leckie, of Virginia, May 22, 1902, vice Stuart, Seventh Infantry, promoted.

Claire R. Bennett, of Washington, May 22, 1902, vice Patten, Thirteenth Infantry, promoted.

Charles Wells, of Pennsylvania, May 22, 1902, vice Major, Fourteenth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26, 1902.

MARSHAL.

Andrew J. Houston, of Texas, to be United States marshal for the eastern district of Texas.

POSTMASTERS.

Benjamin J. Maltby, to be postmaster at Northford, in the county of New Haven and State of Connecticut.

William H. Foote, to be postmaster at Westfield, in the county of Hampden and State of Massachusetts.

Joseph W. Gary, to be postmaster at Caribou, in the county of Aroostook and State of Maine.

Thomas G. Herbert, to be postmaster at Richmond, in the county of Sagadahoc and State of Maine.

HOUSE OF REPRESENTATIVES.

MONDAY, May 26, 1902.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

Our Father, who art in heaven, we thank Thee for Thy silent, yet potent influence, which Thou art ever exercising in the minds and hearts of Thy children, and which is ever leading them onward and upward to higher attainments. Grant that we may be more susceptible to Thy influence, until we all come into the measure of the stature of the fullness of Christ. Hear us, O Lord, when we pray for the friends and bereaved family of the late Lord Pauncefoot, who so long, so faithfully, and efficiently served his country among us, and won the esteem and respect of our people by his generous and courteous methods, socially and officially. Comfort all who mourn his loss, and they are legion, by the blessed hope of the immortality of the soul, as revealed in the life and resurrection of Thy Son our Lord Jesus Christ. Amen.

The Journal of the proceedings of Friday last was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I call up for present consideration the conference report on the Agricultural appropriation bill, which was printed in the proceedings of Friday last. I ask for the adoption of the report.

Mr. SULZER. I call for the regular order.

The SPEAKER. The conference report is the regular order.

Mr. WADSWORTH. I ask that the statement of the House conferees be read and the reading of the report omitted.

There was no objection.

The statement, as published in connection with the report, in the House proceedings of May 23 was read.

The conference report was agreed to.

Mr. WADSWORTH. I ask unanimous consent to offer a resolution for the purpose simply of correcting in the bill an error in arithmetic.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a resolution bearing upon the Agricultural appropriation bill. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the Committee on Enrolled Bills, in the enrollment of House bill 13895, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, are hereby authorized to strike out the word "forty" from line 24, page 43, and insert in lieu thereof the word "thirty-seven."

Mr. RICHARDSON of Tennessee. Reserving the right to object—

Mr. WADSWORTH. I ask the gentleman to let me make an explanation before he objects.

Mr. RICHARDSON of Tennessee. I am asking now for some explanation. I do not like this idea of correcting bills after they have passed the House and before the ink is dry.

Mr. WADSWORTH. The error in the present case arose in this way: We agreed upon a lump sum of \$296,000 for the agricultural experiment appropriation. By an oversight we failed to rearrange the items making up that aggregate sum; and the object of this resolution is simply to cut down one of those items from \$40,000 to \$37,000—simply to correct an error, if I may so call it, in arithmetic.

Mr. RICHARDSON of Tennessee. Who made the error? Who is responsible for it?

Mr. WADSWORTH. It is a joint error of the conferees. We agreed upon a lump sum, but we failed to rearrange the items forming that lump sum.

Mr. RICHARDSON of Tennessee. Are you sure that the conferees agree that this is an error that should be corrected?

Mr. WADSWORTH. The items call for \$3,000 more than the lump sum agreed upon; and we simply cut down the items to accord with the sum—\$296,000.

Mr. RICHARDSON of Tennessee. And the Senate conferees now agree with the conferees of the House that the addition was wrong; and this is simply to correct the addition?

Mr. WADSWORTH. That is all.

Mr. RICHARDSON of Tennessee. And there can be no further call for resolutions correcting this bill?

Mr. WADSWORTH. No, sir.

There being no objection, the House proceeded to the consideration of the resolution; which was adopted.

ADDITIONAL CLERKS FOR COMMITTEE ON ENROLLED BILLS.

Mr. JOY. I desire to report back a privileged resolution from the Committee on Accounts.

The Clerk read House resolution No. 243, as follows:

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional clerks to said committee to serve during the remainder of the present session, to be paid out of the contingent fund of the House at the rate of \$6 per day.

The resolution was adopted.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. By direction of the Committee on Appropriations, I ask unanimous consent to take from the Speaker's table the amendments of the Senate to the urgent deficiency appropriation bill and to move that they be concurred in.

The amendments of the Senate to the bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, were read.

The SPEAKER. The gentleman from Illinois asks the consent of the House to take this bill from the Speaker's table for present consideration. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER. The question now is on the motion of the gentleman from Illinois to concur in the amendments of the Senate.

The question was taken and the amendments agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I will send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, calls up the following bill for consideration:

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. Is not the regular order the disposition of pension bills which were undisposed of on Friday afternoon, the previous question having been ordered on them?

The SPEAKER. The demand for the regular order would bring up the undisposed of private bills which were reported from the Committee of the Whole on Friday last, and on which the previous question was ordered.

Mr. SULZER. I call for the regular order.

Mr. BABCOCK. Mr. Speaker, I would ask the gentleman from New York if he would kindly withhold that motion for a short time?

Mr. SULZER. It will take only a few moments to dispose of this matter.

Mr. BABCOCK. The District Committee will get through with its work on the floor in less than an hour.

Mr. SULZER. It will take only a few moments to dispose of these bills.

MICHAEL MULLET.

The SPEAKER. The gentleman from New York demands the regular order. The Clerk will report the bill which the House had under consideration at the adjournment on Friday last, the question being on the passage of the bill, which the Clerk will report by its title for the information of the House.

The Clerk read as follows:

House bill 11879, to correct the military record of Michael Mullet.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 48, noes 50.

Mr. SULZER. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 75, nays 73, answered "present" 41, not voting 162; as follows:

YEAS—75.

Adams,	De Armond,	Livingston,	Ruppert,
Alexander,	Draper,	Lloyd,	Ryan,
Allen, Ky.	Emerson,	McCulloch,	Selby,
Ball, Tex.	Esch,	McDermott,	Shafroth,
Bell,	Foster, Ill.	McLain,	Shallenberger,
Blackburn,	Glenn,	Mickey,	Sherman,
Boutell,	Goldfogle,	Minor,	Snook,
Bowie,	Hay,	Moody, N. C.	Stark,
Brantley,	Hopkins,	Mudd,	Stewart, N. Y.
Brundidge,	Jack,	Mutcher,	Storm,
Burnett,	Jenkins,	Pierce,	Sulloway,
Candler,	Jett,	Powers, Me.	Sulzer,
Clark,	Kahn,	Powers, Mass.	Tirrell,
Cochran,	Kern,	Randell, Tex.	Wanger,
Conry,	Kitchin, Claude	Ransdell, La.	Williams, Ill.
Coombs,	Knapp,	Reid,	Williams, Miss.
Cooper, Wis.	Lanham,	Richardson, Tenn.	Wilson,
Cowherd,	Lessler,	Rixey,	Zenor.
Davis, Fla.	Lewis, Ga.	Rucker,	

NAYS—73.

Babcock,	Eddy,	Lacey,	Patterson, Pa.
Ball, Del.	Finley,	Landi,	Payne,
Bartholdt,	Fletcher,	Latimer,	Ray, N. Y.
Bishop,	Gardner, Mich.	Lever,	Rumple,
Bromwell,	Gibson,	Littlefield,	Shattuc,
Brownlow,	Graff,	Loud,	Sims,
Burk, Pa.	Greene, Mass.	McCleary,	Snodgrass,
Burke, S. Dak.	Hedge,	McLachlan,	Sperry,
Butler, Pa.	Hemenway,	Mann,	Stevens, Minn.
Cannon,	Henry, Conn.	Martin,	Tawney,
Capron,	Henry, Miss.	Metcalf,	Tompkins, Ohio
Cassel,	Hill,	Mondell,	Tongue,
Clayton,	Holliday,	Moody, Oreg.	Underwood,
Conner,	Howell,	Morgan,	Warner,
Corliss,	Hull,	Moss,	Woods.
Cousins,	Jones, Wash.	Otjen,	
Cromer,	Joy,	Overstreet,	
Currier,	Kleberg,	Palmer,	
Dalzell,	Klutz,	Parker,	

ANSWERED "PRESENT"—41.

Bartlett,	Grow,	McRae,	Smith, Ky.
Burleson,	Hamilton,	Maddox,	Stephens, Tex.
Cassingham,	Hepburn,	Miers, Ind.	Sutherland,
Cooper, Tex.	Hitt,	Morris,	Tate,
Dinsmore,	Hooker,	Naphen,	Taylor, Ala.
Driscoll,	Irwin,	Padgett,	Thomas, Iowa
Evans,	Johnson,	Pou,	Trimble,
Foster, Vt.	Kitchin, Wm. W.	Rhea, Va.	Wheeler.
Gaines, Tenn.	Lawrence,	Richardson, Ala.	
Gilbert,	Little,	Robinson, Ind.	
Griffith,	McClellan,	Slayden,	

NOT VOTING—162.

Acheson,	Deemer,	Knox,	Schirm,
Adamson,	Dick,	Kyle,	Scott,
Allen, Me.	Dougherty,	Lamb,	Shackleford,
Applin,	Douglas,	Lassiter,	Shelden,
Bankhead,	Dovener,	Lester,	Sheppard,
Barney,	Edwards,	Lewis, Pa.	Showalter,
Bates,	Elliott,	Lindsay,	Sibley,
Beidler,	Feely,	Littauer,	Skiles,
Bellamy,	Fitzgerald,	Long,	Small,
Belmont,	Fleming,	Loudenslager,	Smith, Ill.
Benton,	Flood,	Lovering,	Smith, Iowa
Bingham,	Foerderer,	McAndrews,	Smith, H. C.
Blakeney,	Fordney,	McCall,	Smith, S. W.
Boreing,	Foss,	Mahon,	Smith, Wm. Alden
Bowersock,	Fowler,	Mahoney,	Southard,
Breazeale,	Fox,	Marshall,	Southwick,
Brick,	Gaines, W. Va.	Maynard,	Sparkman,
Bristow,	Gardner, N. J.	Mercer,	Steele,
Broussard,	Gill,	Meyer, La.	Stewart, N. J.
Brown,	Gillet, N. Y.	Miller,	Swanson,
Bull,	Gillett, Mass.	Moon,	Talbert,
Burgess,	Gooch,	Morrell,	Taylor, Ohio
Burkett,	Gordon,	Needham,	Thayer,
Burleigh,	Graham,	Neville,	Thomas, N. C.
Burton,	Green, Pa.	Nevin,	Thompson,
Butler, Mo.	Griggs,	Newlands,	Tompkins, N. Y.
Calderhead,	Grosvenor,	Norton,	Vandiver,
Caldwell,	Hall,	Olmsted,	Van Voorhis,
Connell,	Hanbury,	Patterson, Tenn.	Vreeland,
Cooney,	Haskins,	Pearre,	Wachter,
Creamer,	Haugen,	Perkins,	Wadsworth,
Crowley,	Heatwole,	Prince,	Warnock,
Crumpacker,	Henry, Tex.	Pugsley,	Watson,
Curtis,	Hildebrandt,	Reeder,	Weeks,
Cushman,	Howard,	Reeves,	White,
Dahle,	Hughes,	Robb,	Wiley,
Darragh,	Jackson, Kans.	Roberts,	Wooten,
Davey, La.	Jackson, Md.	Robertson, La.	Wright,
Davidson,	Jones, Va.	Robinson, Nebr.	Young.
Dayton,	Kehoe,	Russell,	
De Graffenreid,	Ketcham,	Scarborough,	

Mr. CAPRON. I would like to ask if my colleague, Mr. HILL, is recorded as voting?

The SPEAKER. He is not recorded.

The Clerk will report the pairs.

The following pairs were announced:

Until further notice:

Mr. REEDER with Mr. WHITE.

Mr. LONG with Mr. BELMONT.

Mr. IRWIN with Mr. GOOCH.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. SUTHERLAND with Mr. JACKSON of Kansas.

Mr. THOMAS of Iowa with Mr. BANKHEAD.

Mr. STEELE with Mr. COOPER of Texas (except revenue cutter).

Mr. BARNEY with Mr. McRAE.

Mr. SOUTHARD with Mr. NORTON.

Mr. SKILES with Mr. TALBERT.

Mr. SMITH of Iowa with Mr. PADGETT.

Mr. BINGHAM with Mr. CREAMER.

Mr. RUSSELL with Mr. McCLELLAN.

Mr. CURTIS with Mr. STEPHENS of Texas.

Mr. HASKINS with Mr. JOHNSON.

Mr. LOVERING with Mr. CONRY.

Mr. GILLET of Massachusetts with Mr. NAPHEN.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

Mr. GORDON with Mr. SCOTT.
Mr. BURKETT with Mr. SHALLENBERGER.
Mr. GILL with Mr. ROBB.
Mr. DAVIDSON with Mr. FEELY.

For one week:

Mr. SAMUEL W. SMITH with Mr. DOUGHERTY.
Mr. BEIDLER with Mr. HOOKER.
Mr. DARRAGH with Mr. MIERS of Indiana.
Mr. ROBERTS with Mr. VANDIVER.

Mr. CRUMPACKER with Mr. GRIFFITH (except on currency and banking bills).

Mr. DAHLE with Mr. THOMPSON.
Mr. BROWN with Mr. FITZGERALD.
Mr. BATES with Mr. BELLAMY.
Mr. TAYLER of Ohio with Mr. WILLIAM W. KITCHIN.

On this vote:

Mr. DEEMER with Mr. GRIGGS.
Mr. DICK with Mr. BURLISON.
Mr. MORRIS with Mr. SPARKMAN.
Mr. HITT with Mr. DINSMORE.
Mr. HAMILTON with Mr. LITTLE.
Mr. BRISTOW with Mr. RHEA of Virginia.
Mr. MARSHALL with Mr. ADAMSON.
Mr. CALDERHEAD with Mr. DAVEY of Louisiana.
Mr. FOSTER of Vermont with Mr. POU.
Mr. DOVENER with Mr. EDWARDS.
Mr. MERCER with Mr. WOOTEN.
Mr. NEEDHAM with Mr. SCARBOROUGH.
Mr. NEVIN with Mr. SHACKLEFORD.

For the session:

Mr. YOUNG with Mr. BENTON.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. WRIGHT with Mr. HALL.
Mr. BOREING with Mr. TRIMBLE.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. HEATWOLE with Mr. TATE.
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. BULL with Mr. CROWLEY.

For ten days:

Mr. MILLER with Mr. THOMAS of North Carolina.
Mr. WM. ALDEN SMITH with Mr. ROBINSON of Indiana.
Until Tuesday, May 27:
Mr. McCALL with Mr. ROBERTSON of Louisiana.
Mr. GARDNER of New Jersey with Mr. MOON.

Until May 29:

Mr. EVANS with Mr. JONES of Virginia.
May 26, 27, and 28:

Mr. GROSVENOR with Mr. BARTLETT.
On this day:

Mr. ACHESON with Mr. BREAZEALE.
Mr. BRICK with Mr. BROUSSARD.
Mr. BURLEIGH with Mr. BURGESS.
Mr. BURTON with Mr. LESTER.
Mr. CONNELL with Mr. BUTLER of Missouri.
Mr. CUSHMAN with Mr. CALDWELL.
Mr. DOUGLAS with Mr. COONEY.
Mr. FOERDERER with Mr. ELLIOTT.
Mr. FORDNEY with Mr. FLEMING.
Mr. FOSS with Mr. FLOOD.
Mr. GILLET with Mr. FLOYD with Mr. FOX.
Mr. GRAHAM with Mr. HENRY of Texas.
Mr. HAUGEN with Mr. HOWARD.
Mr. HUGHES with Mr. KEHOE.
Mr. VREELAND with Mr. LAMB.
Mr. KETCHAM with Mr. LASSITER.
Mr. KNOX with Mr. LINDSAY.
Mr. KYLE with Mr. MAHONEY.
Mr. LEWIS of Pennsylvania with Mr. McANDREWS.
Mr. LITTAUER with Mr. NEWLANDS.
Mr. MAHON with Mr. NEVILLE.
Mr. LITTLEFIELD with Mr. PATTERSON of Tennessee.
Mr. WATSON with Mr. PUGSLEY.
Mr. WADSWORTH with Mr. ROBINSON of Nebraska.
Mr. PEARRE with Mr. THAYER.
Mr. WARNOCK with Mr. SHEPPARD.
Mr. SCHIRM with Mr. SMALL.
Mr. SHELLEN with Mr. WILEY.
Mr. SOUTHWICK with Mr. SWANSON.

The SPEAKER. On this question the yeas are 73, the nays are 73, present 40. The bill is lost.

Mr. HULL. I move to reconsider and to lay that motion on the table.

The SPEAKER. The gentleman from Iowa moves to reconsider the last vote and lay that motion on the table. Without objection, the latter motion will be agreed to.

There was no objection.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be permitted to finish its business at this time.

Mr. WANGER. I call for the regular order.

The SPEAKER. The regular order is demanded, and the Clerk will report the first bill.

HOUSE BILLS WITH AMENDMENTS PASSED.

On the following House bills, reported from the Committee of the Whole with amendments, the amendments were severally agreed to, and the bills as amended were ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

H. R. 13233. A bill granting a pension to William A. Nelson;
H. R. 13178. A bill granting a pension to William F. Bowden;
H. R. 8644. A bill granting a pension to John W. Thomas;
H. R. 11893. A bill granting an increase of pension to Mrs. Dennis, of Turin, Coweta County, Ga. (title amended);
H. R. 14224. A bill granting an increase of pension to Margaret S. Tod;
H. R. 14251. A bill granting a pension to Hugh J. Reynolds;
H. R. 14234. A bill granting a pension to John Williamson;
H. R. 14359. A bill granting a pension to Luther G. Edwards;
H. R. 2783. A bill granting a pension to William Dixon;
H. R. 13683. A bill granting an increase of pension to Ella S. Mannix (title amended); and
H. R. 6414. A bill granting an increase of pension to William W. H. Davis.

PENSION BILLS WITHOUT AMENDMENTS PASSED.

The following House bills, reported from the Committee of the Whole without amendments, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 5152. A bill granting a pension to Mary Welch;
H. R. 14208. A bill granting an increase of pension to Alexander Murdock;
H. R. 11711. A bill granting an increase of pension to Isaac Gibson;
H. R. 13505. A bill granting an increase of pension to William F. Stanley;
H. R. 11252. A bill granting an increase of pension to Edwin M. Gowdey; and
H. R. 11374. A bill granting an increase of pension to William McCord.

The following Senate bill with amendment, favorably reported from the Committee of the Whole, was considered, and the amendment recommended by the Committee of the Whole agreed to. The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed:

S. 4927. An act granting an increase of pension to Hattie M. Whitney.

SENATE BILLS WITHOUT AMENDMENTS PASSED.

The following Senate bills without amendments, favorably reported from the Committee of the Whole, were severally considered, ordered to a third reading, read the third time, and passed:

S. 2551. An act granting a pension to Amelia Engle;
S. 4706. An act granting an increase of pension to William Harrington;
S. 4732. An act granting an increase of pension to Charles H. Hazzard;
S. 3998. An act granting an increase of pension to Emma L. Kimble;
S. 4871. An act granting an increase of pension to Helen M. Worthen;
S. 4983. An act granting a pension to John W. Smoot;
S. 4655. An act granting an increase of pension to Oliver K. Wyman;
S. 4862. An act granting an increase of pension to James Welch;
S. 1797. An act granting an increase of pension to Benjamin Russell;
S. 3888. An act granting an increase of pension to Jesse H. Hubbard;
S. 5371. An act granting an increase of pension to Jonathan O. Thompson;
S. 2168. An act granting an increase of pension to Charles O. Baldwin;
S. 2697. An act granting an increase of pension to Sarah F. Baldwin;
S. 4415. An act granting an increase of pension to Vesta A. Brown;
S. 4758. An act granting an increase of pension to Mary L. Doane;
S. 4729. An act granting an increase of pension to Daniel A. Hall, alias William Knapp;

S. 4820. An act granting an increase of pension to Nimrod Headington;
 S. 4853. An act granting an increase of pension to Amos Moulton;
 S. 4712. An act granting an increase of pension to Eliphlet Noyes;
 S. 5153. An act granting an increase of pension to Eri W. Pinkham;
 S. 2511. An act granting an increase of pension to William Phillips;
 S. 1038. An act granting an increase of pension to Gustavus C. Pratt;
 S. 5106. An act granting an increase of pension to Horace L. Richardson;
 S. 4790. An act granting a pension to Stephen A. Seavey;
 S. 4730. An act granting an increase of pension to George W. Youngs;
 S. 2457. An act granting an increase of pension to Warren Y. Merchant;
 S. 5209. An act granting an increase of pension to Hannah A. Van Eaton;
 S. 3551. An act granting an increase of pension to John P. Collier;
 S. 4240. An act granting an increase of pension to Calvin N. Perkins;
 S. 712. An act granting an increase of pension to John Housiaux;
 S. 4759. An act granting an increase of pension to Martha Clark;
 S. 4638. An act granting a pension to Helena Sudsbury;
 S. 3063. An act granting an increase of pension to Henry J. Edge, alias Jason Edge;
 S. 5759. An act granting an increase of pension to Charles T. Crooker;
 S. 5669. An act granting a pension to Charlotte M. Howe;
 S. 4642. An act granting an increase of pension to Anne Dowery;
 S. 2535. An act granting an increase of pension to Annie E. Joseph;
 S. 5670. An act granting a pension to Samuel H. Chamberlin;
 S. 4766. An act granting an increase of pension to James P. McClure;
 S. 5202. An act granting an increase of pension to Jennie M. Wagner;
 S. 5152. An act granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin; and
 S. 4927. An act granting an increase of pension to Hattie M. Whitney.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

MICHAEL MULLEN.

The SPEAKER. The Chair announces to the House that the clerks, upon a careful reexamination of the roll call recently completed, find that there was a name transposed, which made a change in the number voting, so that the yeas are 74 and the nays 73, present 40. This error, of course, must be corrected, and does not require unanimous consent. Therefore the bill was passed. [Laughter and applause.]

On motion of Mr. SULZER, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING THE USE OF TELEPHONE WIRES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill H. R. 12865.

The Clerk read as follows:

A bill (H. R. 12865) to provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes.

Be it enacted, etc., That all telephone poles and the wires attached thereto not the property of the United States or the District of Columbia now upon the streets and avenues within the section of the District of Columbia bounded by a line beginning at Second and B streets southeast and running thence along B street south, Third street west, Missouri avenue, Sixth street west, B street north, Twenty-third street west, Rock Creek, Cincinnati street, Columbia road, Thirteenth street west, R street north, New Jersey avenue, C street north, and Second street east to the point of beginning, except as hereinafter provided, shall from time to time, as may be prescribed by the Commissioners of said District, be taken down and removed. The work of taking down and removing said poles and wires shall be done under the direction of said Commissioners, and it is hereby made the duty of said Commissioners to enforce compliance with the provisions of this act as expeditiously as may be consistent with the public interests; and the said Commissioners are hereby empowered and directed from time to time to authorize any individual, company, or corporation now operating and maintaining a telephone plant or system, partly overhead and partly underground, in the District of Columbia, to extend and enlarge its system of underground conduits, subsidiaries, and manholes in or under any or all of the streets, avenues, alleys, lanes, or other public highways in said city and District as may be requisite and necessary for the purposes of this act and for the reception of such other cables and wires as may be reasonably required in the future by the growth of such individual, company, or corporation or to adequately meet the requirements of the public for telephone service.

SEC. 2. That upon the approval of this act, and from time to time thereafter, any individual, company, or corporation now maintaining and operating

a telephone plant or system in said District, partly overhead and partly underground, shall prepare and submit to the said Commissioners a plan or plans, or application or applications, in writing, showing the streets, avenues, alleys, lanes, and other public highways in or under which it is proposed to construct conduits, subsidiaries, or manholes, and giving the general dimensions, length, and course thereof, and before any such conduit, subsidiary, or manhole is constructed it shall be necessary to obtain the approval and permission of said Commissioners. Said Commissioners are empowered to require that all proposed conduits, subsidiaries, and manholes shall be constructed in accordance with the approved plan or permit; and upon the approval by said Commissioners of any such plan, or the issuing of any such permit, providing for the construction of underground conduits, subsidiaries, or manholes within the section in said District described in section 1 of this act the construction therein provided for shall be proceeded with diligently, and upon the completion thereof, or as soon thereafter as may be, without impairing the efficiency of the telephone service in said District, the individual, company, or corporation constructing such conduits, subsidiaries, or manholes shall place its cables and wires therein and take down and remove from the streets and avenues in which such conduits are constructed all poles and wires except such as said Commissioners may, in accordance with the provisions of this act, permit to remain for the purpose of distributing wires for house connections.

SEC. 3. That any individual, company, or corporation owning and maintaining such poles and wires attached thereto on or over any street or avenue within the section of the District described in section 1 of this act who shall willfully neglect or refuse to remove the same, as provided in section 2 hereof, shall be liable to a penalty of not more than \$25 for each and every day during which such failure to remove said poles and wires shall continue, which amount may be recovered by the District of Columbia in any court of competent jurisdiction.

SEC. 4. That said Commissioners be, and they are hereby, empowered to authorize the erection and maintenance of poles in the alleys of said city and District and the stringing thereon of telephone conductors from alley poles or house-top fixtures in one square to alley poles or house-top fixtures in another square for the purpose of enabling house connections to be made, and also to authorize the erection of telephone poles in the District of Columbia outside the limits of the section of said District described in section 1 of this act and the stringing thereon of telephone conductors for house connections or for connection with lines outside the District of Columbia; also to authorize the erection of such poles and the stringing thereon of such wires in the streets and avenues of said city and District in the parts thereof in which there are no public alleys, and in such other places as the public interests do not require that the lines be placed underground, or in places where it shall be deemed by said Commissioners impracticable to advantageously place or operate such lines underground. During the progress of the work provided for in section 1 of this act said Commissioners are also empowered to issue temporary permits for the erection and maintenance of poles and overhead conductors in places where the lines are ultimately to be placed underground, but where the work can not be immediately done because of the greater urgency of work in other localities, or for other reasons satisfactory to said Commissioners; but in issuing such temporary permits said Commissioners shall bear in mind the purpose and policy of this act, which is to cause to be removed from the streets and avenues within the section of said District described in section 1 of this act all poles and wires attached thereto, except as hereinbefore provided, as expeditiously as may be without interfering with or impairing the efficiency of the telephone service in said District and without denying to the public reasonable telephone facilities at all times.

SEC. 5. That all subways, conduits, manholes, and overhead lines constructed or erected under the provisions of this act shall be subject to such reasonable regulations as the Commissioners of the District of Columbia may from time to time prescribe as to inspection, location, character of conduit construction, and height of poles and wires: *Provided*, That in all conduits so constructed such space shall be furnished to the District of Columbia as may be necessary for its fire-alarm or police-patrol wires or cables, carrying low potential currents of electricity, free of charge: *And provided further*, That the number of ducts so reserved in any one conduit shall not be more than three.

SEC. 6. That the said Commissioners are empowered to authorize any such individual, company, or corporation now owning and operating any lines of street poles and wires and any alley poles or alley-pole line within the District of Columbia and outside of the section described in section 1 of this act to continue to maintain the same, with such repairs and renewals as may be necessary to keep them in good order and condition of repair, and to add thereto such poles and wires as may be necessary for the purpose of making hose connections or for connecting with telephone lines outside the District of Columbia.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

The amendments recommended by the committee were read, as follows:

Amend title of bill so that it shall read as follows: "A bill regulating the use of telephone wires in the District of Columbia."

Page 2, line 8, strike out the words "and directed."

Page 4, line 12, strike out the words "and directed."

Page 6, line 9, strike out the words "and directed."

Add a new section, as follows:

"SEC. 7. That Congress reserves the right to alter, amend, or repeal this act."

Mr. BABCOCK. Mr. Speaker, I have sent to the Clerk's desk two amendments that I wish to have pending for the information of the House.

The SPEAKER. The Clerk will report the amendments.

The amendments were read, as follows:

Amend section 1 by striking out in the tenth line thereof "Thirteenth street west" and inserting in lieu thereof the following: "Sixteenth street west (extended), Park street, Whitney avenue, and Eleventh street west."

Amend the title so as to read: "A bill to regulate the use of telephone wires in the District of Columbia."

The SPEAKER. The question is on agreeing to the amendments reported by the committee.

Mr. HEPBURN. Mr. Speaker—

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the amendments offered by the gentleman from Wisconsin.

Mr. HEPBURN. Mr. Speaker, I ask for some explanation of this bill on the part of the gentleman from Wisconsin.

The SPEAKER. Does the gentleman desire to have that before the amendments are adopted?

Mr. HEPBURN. Yes.

The SPEAKER. The gentleman from Wisconsin.

Mr. BABCOCK. Mr. Speaker, the purpose of this bill is to provide, first, for the removal of all overhead wires in the thickly settled portion of the city, and to provide also for underground conduits to take their place. The bill in its provisions gives to the Commissioners of the District of Columbia the same authority to grant permits to the telephone company that the electric-light companies and the gas companies now have under the present law. At this time the Commissioners and the telephone company are confronted with a peculiar condition of affairs. There are now some 700 applications on file for telephones that the company is unable to install for the reason that they can build no more underground conduits without the authority of Congress. The Commissioners have also issued all the permits that they are authorized to do and can give no further permit for construction, either underground or overhead. We have had in the committee a number of complaints, not only from citizens of Washington but from members of Congress, who wanted to know why they can not get telephones put in. These are the facts as presented to the committee, not only by the Commissioners but by the telephone company themselves.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. BABCOCK. Certainly.

Mr. TAWNEY. Will not the effect of this section, or the section which authorizes the construction of these conduits, be to virtually give the telephone company that to-day controls the business in this city an absolute monopoly in the city of Washington? Would it not be better, in the interest of the users of the telephones, to have this so arranged that if there is another company that might want to install a telephone a telephone exchange in this city they may, upon paying reasonable compensation therefor, be permitted to use these conduits we are now authorizing the construction of?

Mr. BABCOCK. I want to say to the gentleman from Minnesota that that is the very condition that the District Committee and the Commissioners have guarded against. This bill does not grant a single right or privilege to this telephone company. It simply authorizes and empowers the Commissioners to do certain things in their discretion and judgment, and interferes in no manner whatever with any other company.

Mr. TAWNEY. But the gentleman knows very well that the discretion given to the Commissioners will inure wholly to the benefit of the existing telephone company. They will be the company designated and authorized to construct these conduits. Now, after the construction the only way that a new company or a competing company can get into this city is by building additional conduits, tearing up the streets, etc., which may be objectionable to the Commissioners or the District, and for that reason the right would not be granted, whereas when you are building these conduits you ought, in my judgment, to reserve to any competing company that might want authority to install a telephone system the right to use these conduits, subject to the conditions that they shall pay a reasonable compensation for the benefit of that right. Then there would be no opportunity for the existing telephone company to extort unreasonable prices, as they are doing from the telephone users of this city.

Mr. BABCOCK. Is the gentleman through with his question? [Laughter.]

Mr. TAWNEY. Yes.

Mr. BABCOCK. I want to say if the gentleman had given attention to the work done by the committee and by the House during past sessions in struggling with the conduit question perhaps he would not have made that statement. I myself, or the committee I have the honor to represent, have for more than one session endeavored to perfect a measure by which one system of conduits would accommodate all of the wires necessary in the city, but after a great many hearings and a great many efforts and a great many propositions were considered it all fell down. That was several years ago, and since that time no legislation has been enacted by the House, except the telephone bill we passed during the last session to a company that proposed to make rates of \$36 and \$54 for telephones. The House passed the bill and it went to the Senate and was defeated.

Mr. HEPBURN. May I remind the gentleman of another bit of legislation we indulged in? Did not Congress impose upon this telephone company a certain system of rates that they have contemptuously ignored and refused to pay any attention or obedience to? Was not there legislation of that kind?

Mr. BABCOCK. Mr. Speaker, in answer to the gentleman I will say that there was legislation of that kind.

Mr. HEPBURN. Which the gentleman overlooked.

Mr. BABCOCK. No; I did not overlook it. In reference to that amendment adopted by the House, it was one making all tele-

phone charges the same, a flat rate of \$50. It was an amendment to an appropriation bill. That was taken into the courts here in the District of Columbia, and the court decided that the rate was inadequate for service rendered. It is now pending in the Supreme Court of the United States, and this legislation has been delayed and deferred waiting for that decision from the Supreme Court.

The demand, Mr. Speaker, has become such for telephones, and the necessities of the public of the growing city are such that some action must be taken, and I have been personally urged by the Commissioners to take some action, and take it promptly.

Now, I want to say to the gentleman from Iowa that I voted for that amendment, that I supported the telephone bill that passed the House; and I want to say further, Mr. Speaker, that at the time we passed the bill chartering another telephone company they received a charter from the city of Baltimore, and that to-day they have applied to the city council of Baltimore, after installing 8,000 telephones at \$36 and \$54, for permission to change their rates. In common parlance they have thrown up the sponge, and say they can not conduct the business at those rates because they are not sufficient for the ordinary expenses of the company. If the gentleman wants it I can furnish him with the facts and the data.

Mr. HEPBURN. I would like to see the facts contradistinguished from the statements made by these companies. I want to remind the gentleman of this fact—that all over the country, in all villages of this country, people are having telephone service of the best character at one-half the rates, in some instances, that were fixed in this statute of ours, and that, if my friend will permit me to say it, I think that whenever it was established that the rate of \$50 in the city of Washington was a confiscatory rate, that there was some scoundrelism somewhere along the line that established that proposition.

Mr. BABCOCK. Mr. Speaker, this bill does not propose to do with rates.

Mr. HEPBURN. No, if the gentleman will permit me; but it proposes to enlarge the powers, through the action of the Commissioners, of this telephone company that is rendering this inadequate service and is standing here in contempt of an act of Congress.

Mr. BABCOCK. I would like to ask the gentleman from Iowa a question. Does he believe that it is desirable and good public policy for a telephone company to come to Congress when they want to make a house connection, when they want to cross the sidewalk, when they want to install a wire to reach and accommodate certain sections of the city?

Mr. HEPBURN. Certainly not; and if the gentleman will let me continue my answer, neither do I think it wise to waive the policy of excluding overhead wires from this city, having refused over and over again to grant privileges of that kind to railway companies, and when we have required wires to be removed from a street, neither do I think it is wise to put the power into the hands of the Commissioners and fill your alleys with these wires. I do not think that is policy, and that is what is done. I do not think it is policy to grant a company now in contempt, now refusing obedience to law, one iota of privilege, and while I would do anything I could to compel them to a proper observance of fair dealing with their customers and with the people, I would not extend one privilege to them until they had complied with the law already made.

Mr. BABCOCK. Well, Mr. Speaker, the gentleman overlooked one fact, and that is that the overhead wires and poles can not be taken down until Congress has authorized some substitute. Under the present law this company can not build a foot of conduit in the city of Washington. Now, this bill authorizes the Commissioners to give them authority to build conduits and to put in wires. How would the gentleman accomplish results differently? Will he suggest in his wisdom some way of disposing otherwise of the wires?

Mr. HEPBURN. You propose to give them here in this bill the power to extend conduits. You give them the power to maintain these poles, and you impose no limitation as to how long they shall maintain these poles. You put upon them no requirement to place conduits in lieu of these poles. There is not in this bill a word of prohibition on the one hand or of requirement on the other. You give the Commissioners the amplest power to grant to this company all the further privileges that they may want, and you put no restraining hands upon them at all.

Mr. BABCOCK. Mr. Speaker, the gentleman evidently takes a view of this bill that is farfetched. Now, this is a bill which requires certain things to be done. It requires conduits to be built; it authorizes the Commissioners to require certain work to be done, and to put the wires into the conduits.

Mr. HEPBURN. That is, in the streets, not in these alleys. It is a power to enlarge their business, to increase their service, and all that; and yet you have not done anything whatever to compel

them to observe the law. Why do you not put a condition in here that these privileges shall be available to them when they have complied with the statute now on the statute book?

Mr. BABCOCK. Would the gentleman vote for a law that the Supreme Court would say confiscates the property of this company?

Mr. HEPBURN. I would not care what the supreme court of this District might have said on a question of this kind.

Mr. BABCOCK. I mean the Supreme Court of the United States.

Mr. HEPBURN. Who tried this case? Who made up the case? What was there tried? The case was prepared, I undertake to say, in all its features in the interest of the telephone company; and the court under such circumstances has held that a \$50 rate is confiscation. Does the gentleman believe that? He voted for this bill. Does he not know that there was some chicanery, some fraud, some deceit, brought to bear upon that court?

In the town where I live, in all the villages of this country, we are getting to-day the very best telephone service, with the very best appliances and with long-distance phones, for \$25 a year, where there are only three or four hundred subscribers. The gentleman knows that is being done; yet, in a city like this, where there are eight thousand, ten thousand, or fifteen thousand subscribers, paying \$125 or \$150 a year these gentlemen constituting this company are saying that there is confiscation if you add new lines and require a \$50 rate. I think the gentleman knows that that is only a pretense.

Mr. BABCOCK. I am astonished, Mr. Speaker, that the gentleman should suggest that the courts here are guilty of chicanery.

Mr. HEPBURN. I did not say the courts were guilty of chicanery, but that imposition was practiced upon them.

Mr. BABCOCK. The parties who defended this suit were the Commissioners or other officers of the District of Columbia; and never in all my experience as chairman of the District Committee have I found one circumstance upon which it could be charged that there had been chicanery or dishonest acts on their part. And certainly I do not believe that the gentleman from Iowa wants to make that broad charge. I believe that they have done their duty honestly and faithfully. This matter of rates has gone to the Supreme Court of the United States; and as I stated before, the officials of the District of Columbia have waited and waited for this decision, and the committee has waited without taking any action, until we have reached the point where some action is necessary.

I believe I may say here that no member of this House has done more than I have to secure the rights of citizens on the rate question. I supported the amendment to which the gentleman has referred.

Mr. HEPBURN. Then you believed in it?

Mr. BABCOCK. I did.

Mr. HEPBURN. And you believed in it from observation?

Mr. BABCOCK. I believed in it from observation, but not from information.

Mr. HEPBURN. Were you not informed?

Mr. BABCOCK. No, sir; I am not informed. And is the gentleman from Iowa informed what this service can be rendered for?

Mr. HEPBURN. I have not a bit of doubt but that the gentleman is informed; and while he has not studied this matter from the statements of interested telephone people he has observed what other companies are doing in other places. He has observed at what rates this valuable service is rendered to other communities, and therefore he takes the position of believing that when a man says it costs four times as much to render the service in the city of Washington as it does to render it in the villages of this country of four and five and six thousand inhabitants that man simply lies in his own interest and he does not believe him, and therefore he is not willing to foster his interests while he is imposing upon the public in that way. Now, I say that this bill does nothing but to increase the value of this franchise to this company that is now contumacious of an act of Congress, that is now robbing the people of this District every day, and that ought to be brought in some way or other to a speedy reckoning with the people. [Applause.]

Mr. BABCOCK. Mr. Speaker, I am very sorry that the gentleman from Iowa finds so many robbers and conspirators this morning.

Mr. HEPBURN. No; he has found but one; he has found only one.

Mr. BABCOCK. I want to call his attention to a few facts—

Mr. HEPBURN. And that is the telephone company.

Mr. BABCOCK. I desire to call his attention to a few facts that evidently he is not advised about. First, I wish to ask him a question, as to whether he can state to this House what the telephone rates are here to-day.

Mr. HEPBURN. I know this. I know that I tried to get the service in my house and I could not do it for less than \$75 or \$80.

Mr. BABCOCK. Now, I will state a few facts in reference to these matters, which will probably be a matter of news to the gentleman from Iowa. The rates that were in force in the District of Columbia at the time this amendment was passed on the appropriation bill were \$96 flat for private residences and \$125 for business houses?

Mr. HEPBURN. When?

Mr. BABCOCK. At the time the amendment was passed on the appropriation bill. I do not remember the date. Now, the present rate runs from \$36 to \$120 for the year. The highest rate in the city is in the largest business houses, \$120 for unlimited service, and it runs down to \$36 in private houses.

Mr. HEPBURN. The gentleman ought to explain that \$36 business. It is simply a delusion and a snare.

Mr. BABCOCK. I will explain it, if the gentleman will permit me.

Mr. WACHTER. With about 12 on a line.

Mr. BABCOCK. Here is the rate which is published by the company, and anybody can see it. I will say, Mr. Speaker, that since that time the telephone rates have been reduced more than 35 per cent.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. BABCOCK. Is it to be a question or a speech?

Mr. TAWNEY. Is it not a fact that the \$36 rate is the rate given to people who will go on to a party wire?

Mr. BABCOCK. A party wire.

Mr. TAWNEY. Where there are from four to eight subscribers?

Mr. BABCOCK. No; four.

Mr. TAWNEY. Four is the limit?

Mr. BABCOCK. Yes.

Mr. TAWNEY. So that the company is getting out of the service of one wire four times \$36 a year.

Mr. BABCOCK. That is hardly a fair statement, Mr. Speaker, because there are four telephones.

Mr. TAWNEY. That is a question.

Mr. BABCOCK. The rates, as I stated before, since this discussion in the House, have been reduced more than 35 per cent. Now, Mr. Speaker, the amendment that I offer increases the area of the proposed underground system in the city, and includes Washington Heights, Columbia Heights, and all of the thickly settled part of Washington. It meets the views of the Citizens' Association and of the District Commissioners; and I would ask, Mr. Speaker, that that amendment be read—the amendment that I offered to the first section.

The SPEAKER. The Chair will state that the committee amendments in the bill have been adopted, but the amendments offered by the gentleman from Wisconsin have not yet been voted on. If there is no objection, they will again be read to the House.

The Clerk again read the amendments.

The SPEAKER. The question is on agreeing to the amendments offered by the gentleman from Wisconsin.

Mr. COWHERD. Mr. Speaker, I would ask that the gentleman yield to me for a few minutes.

The SPEAKER. Does the gentleman yield?

Mr. BABCOCK. Certainly.

The SPEAKER. How much time does the gentleman yield?

Mr. COWHERD. I desire about five minutes.

Mr. BABCOCK. I will yield five minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I suppose I violate no confidence of the committee in saying that when this matter first came up in the committee I opposed the passage of the bill at that time, not because I opposed any particular provision in the bill, but I thought the time was not ripe for legislating on this subject. As everyone knows the history of this telephone case, there is now pending in the Supreme Court of the United States a case appealed first from the supreme court of the District, and then again from the court of appeals of the District.

That case arose upon the law under which we fixed the rates at \$50 a year. As I understand it, the supreme court of the District held the rate fixed by Congress to be unreasonable. The court of appeals of the District reversed the supreme court and sustained the law. The case is now pending in the Supreme Court of the United States. I thought we should wait until that case was determined. The matter has been argued and submitted there and has been held by the court now for something more than a month. If nothing is done in the passage of this bill, or this bill amended as it may be by the House, the people of the District will be unable to obtain additional telephone service until Congress shall act upon the matter at the next session. Now, the matter has been held here before the House since it was reported by the committee, something over a month, I think, or nearly two months. I do not feel like opposing the passage of this bill any longer. I am not opposed to the provisions of the

bill. As I understand the provisions of the bill, they simply give to this company the right to extend its wires and conduits under the authority of the Commissioners of the District without coming to Congress for a special act.

Now, I fully agree with the gentleman from Iowa that this company is to-day charging entirely too much for its service; so much so in fact that its charges are little less than robbery. But we have attempted to regulate those charges. I do not know how we can further regulate them until the court acts upon that case; that is, I do not know how we could act further intelligently in regulating them until the Supreme Court acts upon that case. If the Supreme Court holds that regulation was valid, no further action of Congress would be needed. If they hold that regulation was invalid or unreasonable, then in the light of the decision of the court it will be the duty of the District Committee and this House to proceed to pass some bill that is just and valid, fixing the rates of that company. In this bill we reserve the right to change, alter, or amend. And while I believe, and so stated in the committee, that it would have been better to await the decision of the court, and while I have done what I could to delay action on this bill for some time, because I believed that it was better for us to regulate the rate at the same time that they were asking for an extension of their lines under the authority of Congress, yet I do not believe that we would be acting justly toward the people of the District of Columbia in refusing to give any further right for the extension of lines and letting the matter go over for some six or seven months until Congress should meet again.

Mr. BARTLETT. This company, as the gentleman from Missouri says, has absolutely refused to carry out the requirements that Congress placed upon it in the act that we passed as an amendment to the appropriation bill. Now, why should these gentlemen come here and ask additional privileges from Congress until they either comply with the law or until the law is held to be invalid? This is a privilege which they are asking.

Mr. COWHERD. Undoubtedly.

Mr. BARTLETT. Why should we grant any additional privilege to the company under the circumstances?

Mr. COWHERD. I would not grant it by reason of anything that the company asks or does. The company has no equities whatever worthy of consideration; but the people of the District of Columbia have. There are some 700 applications now pending. I understand, where the people are asking for additional telephone service. Several of them have come to me and to other members of the committee and asked us to withdraw our opposition to this bill in order that they might get telephones in their houses.

Mr. BARTLETT. At the exorbitant rates now asked?

Mr. COWHERD. At the exorbitant rates now being charged. Still the people are demanding the service, notwithstanding the charges for it are too high. It seems to me it is our duty to permit them to put these telephones in. It is our duty to proceed to regulate those rates. If the Supreme Court of the United States upholds the present law, we have regulated them, and no further legislation will be necessary. If it holds the present law bad, then we should pass another.

Mr. SHAFROTH. What are the rates now imposed in the District?

Mr. COWHERD. I can not give them exactly. We have had that up a time or two. There is no law fixing the rates, and the company fixes them at what it pleases.

Mr. SHAFROTH. Do you know how much the rates are at present?

Mr. COWHERD. About a hundred dollars a year, I think, for a metallic circuit in a business house.

Mr. SHAFROTH. How long since the rate was fixed at \$50 by Congress?

Mr. COWHERD. I think it was in 1898.

Mr. SHAFROTH. An appeal has been taken to the Supreme Court of the United States.

Mr. COWHERD. The case has been argued and submitted in the Supreme Court of the United States something more than two months ago.

Mr. SHAFROTH. Does that go upon the regular calendar, to be reached in its regular order, or is it preferred by reason of it being District business?

Mr. COWHERD. I know of no reason why it should be preferred.

Mr. McDERMOTT. It has been reached, and has been argued and submitted.

Mr. COWHERD. It has been reached and argued and submitted, and I inquired of the clerk of the court some two weeks ago when we might hope for a decision.

Mr. SHAFROTH. What did he say?

The SPEAKER. The time of the gentleman has expired.

Mr. COWHERD. I want about two minutes more.

Mr. GAINES of Tennessee. I ask unanimous consent that the time of the gentleman may be extended.

Mr. BABCOCK. I yield two minutes more to the gentleman.

Mr. SHAFROTH. What did the clerk reply?

Mr. COWHERD. The clerk said, when I inquired when this decision would be rendered, that he could give us no information whatever—that there might be a decision in a week or it might not be decided for months.

Mr. SHAFROTH. Another question.

Mr. COWHERD. Just one moment. I understand from the gentleman from Tennessee that it will be decided on Monday next.

Mr. GAINES of Tennessee. A press representative stated to me just a while ago, and he is very reliable, that a decision was looked for next Monday.

Mr. SHAFROTH. Can the gentleman state whether if these rates shall be held by the court to be legal will the people get back the money that they have been compelled to pay the telephone company?

Mr. COWHERD. I am unable to answer that question. That is a question of law, and I would rather rely upon the opinion of the gentleman from Colorado.

Mr. GAINES of Tennessee. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Tennessee?

Mr. COWHERD. I yield first to the gentleman from Minnesota.

Mr. TAWNEY. The gentleman has stated that there were 700 applications for telephones which could not be considered because of the want of this legislation. How many of these applications are dependent upon the conduit system which is authorized in this bill?

Mr. COWHERD. I can not answer that question. I only know that several gentlemen have come to me—one of them Senator Blackburn—and stated that they could not get telephones, because the Commissioners had no authority to permit the company to extend their wires and stretch them across any street or alley except by special act of Congress.

Mr. TAWNEY. That is the fact I wanted to bring out. Now, this authorizes the Commissioners in their discretion to grant the extension of existing lines or ducts necessary to give connection with the residences of the applicants for these phones. Is that what is necessary to get the service to the 700 people for which they apply? It is not necessary to extend the conduit system in order to accomplish that, but to stop taking down the poles and wires that are now standing and which are required to be taken down by direction of the Commissioners.

Mr. COWHERD. I want to say, in reply to that, that so far as the telephone company is concerned, it has no franchise in the city of Washington, but they have come in from time to time and got authority to lay a duct or extend their poles here and there; and I want to say that I think they ought to have authority to build this duct system and authority to extend it from time to time, but when the act is passed giving them that authority there ought to be a reservation of the right to regulate the rates. If Congress passes an act regulating the rates charged, I am not in favor of a competing company. I have never been in favor of that except in order to regulate the rates.

Mr. WADSWORTH. Is there anything in the bill which will prevent Congress from regulating the rates?

Mr. COWHERD. This bill especially reserves the right to alter or amend or repeal.

The SPEAKER. The time of the gentleman has again expired.

Mr. COWHERD. I just wish to have time for this question.

Mr. BABCOCK. I yield to the gentleman to answer this question.

Mr. GAINES of Tennessee. I understood that this proposition has been deferred until the Supreme Court could render its decision in this matter.

Mr. COWHERD. I stated that I opposed action in committee until a decision should be rendered by the Supreme Court. It has been held up since the committee voted to report it for about two months, waiting and expecting I suppose—I know that that was what I had in mind—that there would be a decision made. And now, unless some decision is made at this time, the chances are that no action will be taken at this session which will give these people an opportunity to be furnished with the service which they desire to have. For this reason I have decided to vote for the bill.

Mr. BABCOCK. It will be impossible to pass a bill before Congress adjourns.

Mr. GAINES of Tennessee. Congress is not going to adjourn, Mr. Speaker, before the middle of July, and the case will be decided before then. I am informed that it will be decided next Monday.

Mr. SWANSON. Will the gentleman permit me to ask him a question? If I understand, if this bill does not pass it will

preclude affording any additional telephone service until we do pass a bill.

Mr. BABCOCK. That is it exactly. No additional service can be given where ducts are required or wires are required. The Commissioners have issued all the permits they can under existing law.

Mr. SWANSON. If Congress adjourns without passing this bill, the chairman of the committee gives it as his understanding that during the summer, and until Congress reconvenes, these people will not get this additional service that they require?

Mr. BABCOCK. They will get none at all.

Mr. TAWNEY. The gentleman has stated that unless this bill passes 700 applicants for telephones will be deprived of that service until Congress convenes.

Mr. BABCOCK. Until the company has the right or authority given them to make connections.

Mr. TAWNEY. Well, now, the passage of this bill is not essential, is it, to give these people that telephone service that they want?

Mr. BABCOCK. Well, there is no authority to reach them by wire.

Mr. TAWNEY. Can not we authorize the Commissioners, by resolution or bill, to give to the telephone company authority to so extend its overhead wires to make the necessary residence connections, and extend the conduits that are at present laid.

Mr. BABCOCK. Congress has acted time and again against any extension of overhead wires. And I want to say to the gentleman that no resolution could pass Congress authorizing an extension of overhead wires in the city of Washington.

Mr. TAWNEY. There is an existing law; why can not they put on the additional wires on the poles that are now up?

Mr. BABCOCK. It is not a question of existing law; it is a question of whether they can be reached from the present poles and from the conduits that they have.

Mr. SWANSON. Does this bill specifically reserve the right in the future for Congress to fix the rates?

Mr. BABCOCK. The bill specifically reserves the right to alter, amend, or repeal.

Mr. SWANSON. As I understand, Congress has already fixed the rate?

Mr. BABCOCK. Yes.

Mr. SWANSON. And the question of rates and the fixing of rates is still pending in the United States courts?

Mr. BABCOCK. Yes.

Mr. SWANSON. If they decide that the rates are constitutional and legal, these new privileges given under this bill will be subject to the rates previously fixed?

Mr. BABCOCK. Yes.

Mr. SWANSON. If it is decided legal, this bill reserves the right to fix the rates in the future so they can not be exorbitant?

Mr. BABCOCK. It does.

Mr. SWANSON. Then what is the contention about here?

Mr. BABCOCK. I must say that I hardly understand it myself. [Laughter.] Now, Mr. Speaker, I ask for a vote on the amendments.

The SPEAKER. The question is on agreeing to the amendments offered by the gentleman from Wisconsin.

Mr. BABCOCK. They take in the thickly settled part of Columbia Heights.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to have the amendments reported again.

The Clerk again reported the amendments.

The amendments were agreed to.

Mr. BABCOCK. Now, I yield to the gentleman from Tennessee [Mr. Sims] ten minutes.

Mr. SIMS. Mr. Speaker, if I was to make a statement here about the progress of the bill it would be a repetition of what the gentleman from Missouri [Mr. Cowherd] has stated. I have asked all along on every occasion that action be deferred until the Supreme Court rendered its decision. The court now has the case under advisement, having heard it, and we do not know of course what moment they may decide it or how long they will hold it up. I was anxious to-day to further delay the action on the bill in order that we might get the benefit of the decision of the Supreme Court; but the argument is made to me that if there is any further delay action will not be taken on the bill at all at this session, and therefore no additional telephones can be put up. I thought, and think yet, that the bill may be rendered unobjectionable by making an amendment, and here is the amendment which I will propose at the proper time. I want to say, further, that I would be glad if any gentleman that is acquainted with the matter more than I am will perfect it, because I am not sufficiently acquainted with telephone matters to undertake to perfect the bill. I believe this amendment which I will offer as a separate section would make the bill unobjectionable in every way. This is the amendment I propose:

Any telephone company operating under the provisions of this law shall charge not exceeding \$50 a year for telephones.

If the present law is sustained there will be no use for this amendment; if it should go down, this amendment will be needed. This amendment, it seems to me, can not be objectionable.

Mr. HEPBURN. I would like to ask the gentleman how this amendment changes the law that is now in force?

Mr. SIMS. It does not change it.

Mr. HEPBURN. I thought we provided for two classes of service, for a business house and for private houses.

Mr. SIMS. I have no objection to this amendment being perfected, as I am not familiar with these matters. This puts the rate at \$50, which I understand to be the maximum rate under existing law.

Mr. HULL. That is the law now, as I understand the gentleman's statement.

Mr. SIMS. Yes.

Mr. HULL. And that question is now before the court?

Mr. SIMS. Yes.

Mr. HULL. Wherein does it benefit the people to put it in the statute again? If Congress holds it is a legal rate under existing law, it already applies. If the court holds it is confiscation, would not they hold the same thing in this case?

Mr. SIMS. The point is this: I am intending to make the granting of privileges under this bill conditional upon the idea that they shall not exceed \$50, making it in the nature of a contract, so that they must comply with it.

Mr. TAWNEY. The gentleman's intention is to make this in the nature of a contract?

Mr. SIMS. Yes; in the nature of a contract.

Mr. TAWNEY. And it would be perpetual?

Mr. SIMS. Yes.

Mr. TAWNEY. So they could charge that rate for all time? No matter what improvements were made in the service, they would continue to charge for residence-phones as well as for business phones \$50 a year?

Mr. SIMS. Not exceeding \$50.

Mr. TAWNEY. Not exceeding \$50. Does not the gentleman think he ought to classify the service or the charges, so as to make the charge for the resident phones not to exceed thirty-six and the business phone not to exceed fifty dollars?

Mr. SIMS. That might be very proper. As I have stated, I am not sufficiently familiar with this business to perfect the amendment, but I do want substantially this amendment to go upon the bill, because it makes this measure in the nature of a contract, so that whether the law now existing is sustained or not by the courts this act will remain valid. If the gentleman from Minnesota [Mr. Tawney] can offer an amendment to my amendment so as to better accomplish the object I have in view, I certainly have no objection.

Mr. SWANSON. If I understand the gentleman from Tennessee correctly, this amendment will simply apply to new extensions of the telephone service.

Mr. SIMS. New extensions granted under this bill.

Mr. SWANSON. Then this is a new extension?

Mr. SIMS. Certainly.

Mr. SWANSON. And if anybody is willing to pay more than \$50 for additional service, and the company refuses to furnish it, such a person can not get a phone until Congress sees proper to adopt new legislation on the subject. Suppose a man is willing to pay more than \$50 for a phone, and the company is not willing to grant him the service, then he can not have this new extension under the present bill.

Mr. SIMS. My intention is that there shall be no charge exceeding \$50 for the extended service which may be granted under this bill.

Mr. SWANSON. Then there may be two or three different rates for similar service.

Mr. SIMS. I am undertaking to deal with this bill now before us—not with reference to making a classification of the service heretofore established.

Mr. GAINES of Tennessee. My colleague [Mr. Sims] says, if I understand him, that this amendment is to apply only to new routes. Now, if \$50 should in the future prove to be too high a charge—

Mr. SIMS. Then it can be lowered.

Mr. GAINES of Tennessee. If the company should want a further extension of its privileges, we can say "You must grant a reduction upon the \$50 rate or we will not grant you the privileges you ask."

Mr. SIMS. Certainly. There can be no law, of course, to keep the company from reducing its rates, but this will simply fix a maximum. I have nothing more to say on the amendment. I will send it up to the desk as soon as it is written out.

The SPEAKER (after a pause). The Clerk will read the amendment for the information of the House.

The Clerk read as follows:

Add to the bill a new section, to be section 8, to read as follows:
"Any telephone company operating under the provisions of this bill shall charge not to exceed \$50 per year for telephones."

Mr. BABCOCK. I make a point of order against the amendment.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] yield to the gentleman from Tennessee [Mr. SIMS] for the purpose of offering the amendment?

Mr. BABCOCK. I yielded to the gentleman ten minutes, without stating any specific purpose.

The SPEAKER. The gentleman from Tennessee has no right to offer any amendment unless the gentleman from Wisconsin yielded to him for that purpose.

Mr. BABCOCK. I did not yield for that purpose.

Mr. GAINES of Tennessee. There was no objection made.

The SPEAKER. The gentleman from Tennessee has not offered the amendment; it has been read now for the information of the House. Does the gentleman from Wisconsin yield to the gentleman from Tennessee for the purpose of offering the amendment now?

Mr. BABCOCK. Yes; but I will make a point of order upon the amendment. There is no provision whatever in this bill in reference to rates; there is no provision granting any rights to any telephone company. The bill simply grants authority to the Commissioners to do certain things that only Congress is authorized at the present time to do. The amendment is not germane at all to the bill.

Mr. SIMS. I have offered the amendment, the gentleman from Wisconsin yielding to me for that purpose.

The SPEAKER. The Chair will hear the gentleman from Tennessee on the point of order. The point of order is made that the amendment is not germane.

Mr. SIMS. Does the gentleman from Wisconsin hold that this amendment is not germane to the purposes of the bill? Well, Mr. Speaker, I do not suppose it is necessary to make an argument on that matter. If we are granting to this company the privilege of laying wires through streets and alleys, we certainly may couple with that privilege conditions under which it may be done.

Mr. BABCOCK. We are not granting privileges to any company. We are authorizing the Commissioners, a separate branch of the Government, to do this thing.

Mr. MUDD. Mr. Speaker, I want to be heard on the point of order.

The SPEAKER. The gentleman will proceed.

Mr. MUDD. Mr. Speaker, I am frank to say that I am in favor of this amendment. In the committee I reserved—

The SPEAKER. That is not an argument on the point of order.

Mr. MUDD. Mr. Speaker, I am going to argue on the point of order. This is not an appropriation bill upon which legislation can not be attached. This is a bill giving privileges in the way of extensions to the telephone company, and I can not imagine under what theory of the rules it can be argued that we can not annex conditions as to the exercise of the rights which we vote here to grant. I do not think the point is susceptible of argument as against the amendment. There is nothing in the rule that applies to it. It is simply annexing conditions to the grant and user of the rights which we undertake to give, or, rather, it is stronger than that. We are undertaking here not to give an absolute right but a conditional one, and Congress, it seems to me beyond question, can always do that.

Mr. BARTLETT. Mr. Speaker, I desire simply on this point of order to call the attention of the House to a decision made by the Chair at the last Congress, to be found on page 1262 of the RECORD. A bill which was then being considered on Monday, the day on which bills relating to the District of Columbia were under consideration, and it had for its purpose the authorizing of the laying of mains in the streets by the gas company. An amendment was offered to that bill fixing the price of gas to be charged by the company, which was then seeking to obtain the right and privilege to lay its mains in the streets and to extend its mains in the streets, and on a point of order it was held the amendment was germane to the bill. It was so held in the second session of the Fifty-sixth Congress, and the decision will be found on page 1262 of the RECORD and on page 319 of the Manual. I think that is exactly in point, from my recollection of the case. The authority reads that the bill referred generally to affairs of the gas company, and the amendment introducing the subject of the price of gas was held to be germane. Now, this is a bill in which they ask Congress to permit them to extend their wires along the streets.

The SPEAKER. The Chair would ask the gentleman to give the citation to which he refers. Page 319 does not give the case. What is the RECORD page?

Mr. BARTLETT. It is in the second session of the Fifty-sixth

Congress, RECORD page 1262. I will hand up to the Chair the Manual from which I am reading.

Mr. BABCOCK. Mr. Speaker, I want to say to the gentleman that the bill he refers to was an entirely different proposition. It authorized an increase of capitalization; it granted certain and specific rights in the streets of the District. This bill does nothing of the kind. It has nothing to do with the capital or with any specific rights, but simply grants authority to a coordinate branch of the Government to do a specific thing. It gives the Commissioners authority to do certain things, which authority is not now possessed by them.

Mr. BARTLETT. In reply to that suggestion of the gentleman from Wisconsin, it occurs to me that there is a similarity, and that the case is on all fours with the case referred to. In that case the gas company came to Congress asking it to permit it to do certain things in the District of Columbia, either to increase its capital stock or to extend its mains, dig up the street and extend them along the streets, which it had not then the authority to do. The present bill proposes to give this telephone company authority and rights which it did not possess, authority to extend its lines and mains along the streets—

Mr. BABCOCK. Will the gentleman permit an interruption?

Mr. BARTLETT. Certainly.

Mr. BABCOCK. This statement is misleading. This bill does not do anything of the kind. It authorizes the Commissioners to do certain things, but it does not confer upon the telephone company any rights. They can not do a single act by the passage of this bill except by applying to the Commissioners and getting permission from them.

The SPEAKER. The Chair is ready to rule on this question. The Chair finds the authority cited by the gentleman and remembers the case very well. The title of that bill was a bill referring generally to the affairs of a gas company, and an amendment introducing the subject of the price of gas was held to be germane. On January 21, 1901, the House was considering a bill (H. R. 13660) relating to the Washington Gaslight Company, and for other purposes. Mr. William W. Grout, of Vermont, moved to recommit the bill to the Committee on the District of Columbia with instructions to report the bill back with this amendment:

Provided further, That on and after July 1, 1902, the Washington Gaslight Company shall furnish gas to the people of the District of Columbia for 90 cents per 1,000 cubic feet; on and after July 1, 1903, for 80 cents per 1,000 cubic feet; and on and after July 1, 1904, for 75 cents per 1,000 cubic feet.

Mr. JOSEPH W. BABCOCK, of Wisconsin, made the point of order that the bill did not deal with the price of gas, and that therefore the amendment proposed would not be germane.

The Speaker said:

The Chair has not read the bill through, and the confusion of this morning made it almost impossible to hear it. Still the Chair sees that this is for the purpose of giving a franchise to this company, and here is a proviso:

"That the Commissioners of the District of Columbia may require said company to lay such mains or conduits in any graded street, highway, avenue, or alley in the District of Columbia not already provided therewith, as may be necessary."

It seems to be a general bill regulating the gas business and this gas company, and the Chair is of opinion that the point of order is not well taken and that the instructions of the gentleman from Vermont are in order.

Now, here was a general bill going into the question of the regulation of the gas company. As is stated in the decision, it treated of a franchise; but there is nothing of that character in the present bill. It does not grant any corporate rights. It does not establish a company or clothe it with power. It does not treat of stocks, bonds, or any of the elements connected with the organizing of a corporation, but treats of a corporation in existence and franchises and powers that the corporation already possesses. How? By authorizing the Commissioners of the District of Columbia to regulate this matter. It does not go into the question of prices or rates in any shape or form, nor does it invite anything of that kind. When you come to treat of incorporating a company, these are limitations that should be put on and enforced, but not on a bill of this kind, which treats wholly of the question of conduits.

The Chair thinks that the point of order is clearly well taken.

Mr. BABCOCK. Mr. Speaker—

Mr. HEPBURN. Mr. Speaker, I ask the gentleman to yield to me for the purpose of offering an amendment.

Mr. BABCOCK. Mr. Speaker, I believe that the bill has been pretty thoroughly discussed, and I rose for the purpose of asking the previous question.

The SPEAKER. The gentleman has that right, but he has no right to control the floor and prevent the offering of amendments, after having yielded to the gentleman from Tennessee to offer an amendment.

Mr. BABCOCK. I did not understand the Speaker.

The SPEAKER. The gentleman has the right to demand the previous question, but he can not control the floor to prevent amendments, after having yielded to the gentleman from Tennessee to offer an amendment.

Mr. BABCOCK. I will withhold the demand for the previous question.

The SPEAKER. The gentleman does not demand the previous question?

Mr. BABCOCK. Not now.

Mr. HEPBURN. I move to amend the bill by adding at the end of section 6—

The SPEAKER. The gentleman from Iowa is recognized.

Mr. HEPBURN (reading):

Provided, That the privileges herein authorized to be extended to persons or corporations shall be exercised on condition only that service shall be furnished on the terms and at the prices now authorized by law.

Mr. BABCOCK. I make the same point of order against that amendment.

Mr. HEPBURN. Mr. Speaker, I drew that amendment—

The SPEAKER. The amendment has not been reported by the Clerk.

The Clerk read as follows:

Add at the end of section 6 the following:

Provided, That the privileges herein authorized to be extended to persons or corporations shall be exercised on condition only that service shall be furnished on the terms and at the prices now authorized by law."

Mr. BABCOCK. Mr. Speaker, I make the point of order, the same as to the other amendment, that the bill does not deal with rights or franchises, and that the amendment is not germane to the bill.

The SPEAKER. The Chair will hear the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, this bill originally bore this title:

To provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes.

The amended title, however, reads:

A bill regulating the use of telephone wires in the District of Columbia.

Now, the bill gives to the Commissioners certain powers. It gives them the right to authorize this corporation to extend its conduits, and to establish poles in the alleys in the city and on the highways in the District, to renew those poles, to use them in house connection and otherwise. Now, here is simply another limitation upon the power of the Commissioners that they shall not give that privilege to any corporation except a corporation that furnishes service in accordance with the provisions of existing law. It is only an additional limitation upon the exercise of power on the part of the Commissioners.

The SPEAKER. The amendment offered by the gentleman from Iowa is substantially the same as the one that has just been ruled upon, although framed in a different way. The Commissioners can not be treated from any standpoint except that which is tendered by the bill under consideration. The gentleman from Iowa can offer amendments affecting these conduits, the depth that they may be placed in the ground, the size of them, or anything bearing upon the propositions in the bill; but when he attempts to instruct the Commissioners and to bind them on a matter that is purely reached by the incorporating acts themselves, he steps entirely outside of the province of the bill, and offers a proposition that is not germane thereto.

Mr. HEPBURN. I thought, Mr. Speaker, it would be entirely legitimate to state by law the number of wires that may be used in a cable, the number of compartments that may be in a conduit; and if that is so, then can not we go a step further and say how and under what terms one of these 10, 15, or 20 wires in a cable may be used.

The SPEAKER. The distinction is a very sharp one. It is a pure conduit-planting bill, and anything bearing upon that question is legitimate and germane; but when you go back to the constituting instrument and the questions therein this bill does not permit it. If that should be permitted, then you could in this bill take up the question of capital stock. The Chair is very clearly of the opinion that this amendment is not germane.

Mr. HEPBURN. That would be a matter of organization; this is a matter of the use of a franchise after granted.

Mr. BABCOCK. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. BABCOCK. Division, Mr. Speaker.

The House divided; and there were—ayes 52, noes 26.

Mr. HEPBURN. Mr. Speaker, I ask for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 56, answered "present" 20, not voting 166; as follows:

YEAS—109.

Adams,	Dalzell,	Knapp,	Payne,
Alexander,	Draper,	Lacey,	Powers, Me.
Allen, Me.	Eddy,	Landis,	Powers, Mass.
Babcock,	Emerson,	Latimer,	Rhea, Va.
Ball, Del.	Esch,	Lessler,	Richardson, Tenn.
Bates,	Fletcher,	Lewis, Pa.	Ruppert,
Blackburn,	Flood,	Lloyd,	Ryan,
Blakeney,	Fowler,	Loud,	Shattuc,
Bowersock,	Gibson,	Loudenslager,	Sherman,
Bowie,	Goldfogle,	McCleary,	Sibley,
Bromwell,	Graff,	McDermott,	Smith, Ill.
Brownlow,	Greene, Mass.	McLachlan,	Southwick,
Burk, Pa.	Grow,	Mahon,	Sperry,
Burke, S. Dak.	Hamilton,	Mann,	Stewart, N. Y.
Butler, Pa.	Hay,	Metcalf,	Storm,
Cannon,	Hitt,	Mondell,	Sulloway,
Capron,	Holliday,	Moody, N. C.	Sulzer,
Cassel,	Howell,	Moody, Oreg.	Swanson,
Clark,	Hughes,	Morgan,	Tirrell,
Connell,	Hull,	Morris,	Tompkins, Ohio
Coombs,	Irwin,	Moss,	Wachter,
Cooney,	Jack,	Mudd,	Wadsworth,
Cooper, Wis.	Jenkins,	Mutchler,	Warner,
Cousins,	Jett,	Needham,	Watson,
Cowherd,	Jones, Wash.	Otjen,	Woods.
Creamer,	Joy,	Overstreet,	
Cromer,	Ketcham,	Palmer,	
Cushman,	Kleberg,	Patterson, Pa.	

NAYS—56.

Adamson,	Driscoll,	McLain,	Sims,
Allen, Ky.	Foster, Ill.	Maddox,	Small,
Ball, Tex.	Gaines, Tenn.	Neville,	Smith, Ky.
Bartlett,	Gilbert,	Perkins,	Snodgrass,
Bell,	Henry, Miss.	Randell, Tex.	Snook,
Bishop,	Heppburn,	Ransdell, La.	Sparkman,
Brundidge,	Hill,	Ray, N. Y.	Spight,
Burleson,	Hopkins,	Robinson, Ind.	Tawney,
Candler,	Howard,	Rucker,	Underwood,
Cochran,	Kehoe,	Rumple,	Vandiver,
Conner,	Kitchin, Claude	Scarborough,	Williams, Ill.
Davis, Fla.	Lanham,	Selby,	Williams, Miss.
De Armond,	Lever,	Shackleford,	Wooten,
Dinsmore,	Little,	Shafroth,	Zenor.

ANSWERED "PRESENT"—20.

Boring,	Griffith,	Meyer, La.	Richardson, Ala.
Boutell,	Henry, Conn.	Miers, Ind.	Shallenberger,
Cassingham,	Johnson,	Napen,	Stephens, Tex.
Cooper, Tex.	McClellan,	Padgett,	Thomas, Iowa
Evans,	McRae,	Reid,	Trimble.

NOT VOTING—166.

Acheson,	Dovenor,	Knox,	Robertson, La.
Aplin,	Edwards,	Kyle,	Robinson, Nebr.
Bankhead,	Elliott,	Lamb,	Russell,
Barney,	Feely,	Lassiter,	Schirm,
Bartholdt,	Finley,	Lawrence,	Scott,
Beidler,	Fitzgerald,	Lester,	Shelden,
Bellamy,	Fleming,	Lewis, Ga.	Sheppard,
Belmont,	Foerderer,	Lindsay,	Showalter,
Benton,	Fordney,	Littauer,	Skiles,
Bingham,	Foss,	Littlefield,	Slayden,
Brantley,	Foster, Vt.	Livingston,	Smith, Iowa
Breazeale,	Fox,	Long,	Smith, H. C.
Brick,	Gaines, W. Va.	Lovering,	Smith, S. W.
Bristow,	Gardner, Mich.	McAndrews,	Smith, Wm. Alden
Broussard,	Gardner, N. J.	McCall,	Southard,
Brown,	Gill,	McCulloch,	Stark,
Bull,	Gillet, N. Y.	Mahoney,	Steele,
Burgess,	Gillet, Mass.	Marshall,	Stevens, Minn.
Burkett,	Glenn,	Martin,	Stewart, N. J.
Burleigh,	Gooch,	Maynard,	Sutherland,
Burnett,	Gordon,	Mercer,	Talbert,
Burton,	Graham,	Mickey,	Tate,
Butler, Mo.	Green, Pa.	Miller,	Taylor, Ohio
Calderhead,	Griggs,	Minor,	Taylor, Ala.
Caldwell,	Grosvenor,	Moon,	Thayer,
Clayton,	Hall,	Morrell,	Thomas, N. C.
Conry,	Hanbury,	Nevin,	Thompson,
Corliss,	Haskins,	Newlands,	Tompkins, N. Y.
Crowley,	Haugen,	Norton,	Tongue,
Crumpacker,	Heatwole,	Olmsted,	Van Voorhis,
Currier,	Hedge,	Parker,	Vreeland,
Curtis,	Hemenway,	Patterson, Tenn.	Wanger,
Dahle,	Henry, Tex.	Pearre,	Warnock,
Darragh,	Hildebrandt,	Pierce,	Weeks,
Davey, La.	Hooker,	Pou,	Wheeler,
Davidson,	Jackson, Kans.	Prince,	White,
Dayton,	Jackson, Md.	Pugsley,	Wiley,
De Graffenreid,	Jones, Va.	Reeder,	Wilson,
Deemer,	Kahn,	Reeves,	Wright,
Dick,	Kern,	Rixey,	Young.
Dougherty,	Kitchin, Wm. W.	Robb,	
Douglas,	Kluttz,	Roberts,	

So the bill was passed.

Mr. LITTLE. Mr. Speaker, I desire to know if I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. LITTLE. I desire to vote. I have been in my seat.

The SPEAKER. Was the gentleman present in the Hall of the House?

Mr. LITTLE. In my seat.

The SPEAKER. Listening when his name was called and failed to hear it?

Mr. LITTLE. Yes, sir.

The SPEAKER. Call the name of the gentleman from Arkansas.

The name of Mr. LITTLE was called, and he voted "nay."

The following additional pairs were announced:

Until further notice:

Mr. DAYTON with Mr. DAVEY.

Mr. FOSS with Mr. MEYER of Louisiana.

Mr. MERCER with Mr. STARK.

For this day:

Mr. BRISTOW with Mr. PUGSLEY.

Mr. BOUTELL with Mr. GRIGGS.

Mr. DOVENER with Mr. EDWARDS.

Mr. GARDNER of Michigan with Mr. FINLEY.

Mr. MARSHALL with Mr. KERN for balance of day.

On this vote:

Mr. DICK with Mr. RIXEY.

Mr. DEEMER with Mr. BURNETT.

Mr. GROSVENOR with Mr. CLAYTON.

Mr. CALDERHEAD with Mr. WHEELER.

Mr. CORLISS with Mr. FINLEY.

Mr. WM. ALDEN SMITH with Mr. BRANTLEY.

The result of the vote was then announced as above recorded.

The SPEAKER. Without objection, the amendment to the title will be agreed to.

There was no objection.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

OCCUPATION OF STREETS IN THE DISTRICT OF COLUMBIA BY CERTAIN RAILROADS DURING ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of Senate resolution 87, to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

The Clerk read as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of streets for the purpose of accommodating the traveling public attending the encampment of the Grand Army of the Republic in October, 1902: *Provided,* That such temporary occupation shall not exceed the period of fifteen days and shall be subject to conditions prescribed by said Commissioners.

The resolution was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I ask to take up House bill 12805, requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Anacostia and Potomac River Railroad Company, of the District of Columbia, be, and it hereby is, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system, such as is now in use on its Eleventh street line, over and along the following route, namely: Beginning at the northern terminus of its Eleventh street line at Eleventh street and Florida avenue north, by double track, along Eleventh street to Lydecker avenue; thence easterly, by single track, along Lydecker avenue to Morgan street; thence northerly along Morgan street to Lamar place; thence west along Lamar place to Eslin street; thence south along Eslin street to Lydecker avenue, connecting at that point with the tracks herein authorized.

SEC. 2. That the extension herein authorized shall be completed and the cars operated thereon within two years from the date of the issuance of a permit by the Commissioners of the District of Columbia.

SEC. 3. That the extension herein provided for shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia and approved by them.

SEC. 4. That the said Anacostia and Potomac River Railroad Company shall have over and respecting the route herein provided for the same rights, powers, and privileges it has, or hereafter may have, by law over and respecting its other routes, and be subject in respect thereto to all the other provisions of its charter and of law.

The Clerk read the following amendments, recommended by the committee:

In line 14, page 1, strike out the words "Lamar place" where they occur and substitute therefor the following: "Spring street."

Add as a new section to the bill, to be designated "Section 5," the following:

"SEC. 5. Congress reserves the right to amend, alter, or repeal this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13359) making

appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 282. An act providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry, and for placing his name on the retired list.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRYE, Mr. McMILLAN, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians.

PREVENTION OF SMOKE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask to take up the bill (H. R. 14147) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899, be, and the same is hereby, amended to read as follows: "That on and after the passage of this act the emission of dense or thick black or gray smoke or cinders for a continuous period of three minutes from any smokestack or chimney used in connection with any stationary engine, steam boiler, or furnace of any description within the District of Columbia shall be deemed and is hereby declared to be a public nuisance: *Provided,* That nothing in this act shall be construed as applied to chimneys of buildings used exclusively for private residences.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

CHURCHES IN DISTRICT OF COLUMBIA OUTSIDE OF FIRE LIMITS.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899, be amended by adding thereto the following: "*Provided,* That this requirement shall not apply to churches erected outside of the fire limits as now or hereafter established within the District of Columbia."

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

DOGS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (S. 4792) relative to the control of dogs in the District of Columbia. The House committee reported a substitute for the Senate bill, and I ask that the substitute be read instead of the Senate bill.

The SPEAKER. Without objection, the amendment by way of substitute will be read.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That sections 3, 4, and 9 of the act of Congress approved June 19, 1878, entitled "An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," be, and the same are hereby, amended so as to read as follows:

"SEC. 3. That the pound master of the District of Columbia shall, during the entire year, seize all dogs found running at large without the tax tag issued by the collector aforesaid attached, and all female dogs in heat found running at large, and shall impound the same; and if within forty-eight hours the same are not redeemed by the owners thereof by the payment of \$2 they shall be sold or destroyed, as the pound master may deem advisable, and any sale made by virtue hereof shall be deemed valid to all intents and purposes in all courts of the District of Columbia.

"SEC. 4. That any dog wearing the tax tag hereinbefore provided for, except female dogs in heat, shall be permitted to run at large within the District of Columbia, and any dog wearing the tax tag hereinbefore provided for shall be regarded as personal property in all the courts of said District, and any person injuring or destroying the same shall be liable to a civil action for damages, which, upon proof of said injuring or killing, may be awarded in a sum equal to the value usually put upon such property by persons buying and selling the same, subject to such modifications as the particular circumstances of the case may make proper.

"SEC. 9. That if any owner or possessor of a fierce or dangerous dog shall permit the same to go at large in the District of Columbia, knowing said dog to be fierce or dangerous, to the danger or annoyance of the inhabitants, he shall, upon conviction thereof, be punished by a fine not exceeding \$20; and if such animal shall attack or bite any person, the owner or possessor thereof shall, on conviction, be punished by a fine not exceeding \$50, and in addition to such punishment the court shall adjudge and order that such animal be

forthwith delivered to the pound master, and said pound master is hereby authorized and directed to kill such animal so delivered to him.

"If any owner or possessor of a female dog shall permit her to go at large in the District of Columbia while in heat he shall, upon conviction thereof, be punished by a fine not exceeding \$20."

The SPEAKER. The question is on agreeing to the amendment by way of substitute.

The amendment was agreed to.

The bill was ordered to be read a third time; and it was read the third time, and passed.

REFUNDING OF CERTAIN LICENSE TAXES BY THE COMMISSIONERS OF THE DISTRICT.

Mr. BABCOCK. Mr. Speaker, I ask to take up the bill (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to refund to wholesale and retail liquor dealers who were engaged in business in said District on March 3, 1893, moneys erroneously collected as license taxes for the license year ending October 31, 1893.

SEC. 2. That for the purpose of carrying into effect the provisions of the preceding section the Commissioners of the District of Columbia are hereby authorized to adjust the amounts found to be equitably due by the accounting officers of the District, and pay the same out of the fund provided for the erroneous payment of taxes.

The bill was ordered to be read a third time; was read the third time, and passed.

AMENDMENTS TO DISTRICT CODE.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia." I ask that the substitute reported by the House committee may be read in lieu of the Senate bill.

The SPEAKER. The gentleman from Wisconsin asks that the substitute reported by the Committee on the District of Columbia of the House be read instead of the Senate bill. Without objection, this course will be proceeded with.

Mr. CANNON. Mr. Speaker, what does this bill call for?

The SPEAKER. This is the District code bill.

Mr. CANNON. I think that bill is subject to consideration in Committee of the Whole House. It increases the salaries in some instances. I do not care anything about making the point provided it can be considered in the House as in Committee of the Whole under the five-minute rule.

Mr. JENKINS. We have no objection to that, Mr. Speaker, but I want to say to the gentleman from Illinois, to avoid any misapprehension, that there is no increase of salary in the bill.

Mr. CANNON. There is on the face of the bill. For instance, it increases the salary of some insurance officer from \$2,500 to \$3,500.

Mr. JENKINS. The gentleman is mistaken about that.

Mr. CANNON. Well, I merely read the part in italics.

The SPEAKER. Does the gentleman from Wisconsin [Mr. JENKINS] admit the point made by the gentleman from Illinois?

Mr. CANNON. I think we can adjust this question. I think this matter ought to be considered in the way I have suggested.

Mr. JENKINS. Very well; I ask that the bill be considered in the House as in Committee of the Whole.

There was no objection.

Mr. JENKINS. Now, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection; and it was ordered accordingly.

The Clerk, proceeding to read the bill by paragraphs, read the following:

Amend section 3 by adding at the end of said section the words: "No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office."

Mr. CANNON. Mr. Speaker, I suppose that section 3 is subject to amendment. I do not see why it should not be, under the rules. Section 3, which was embraced in this code as passed, starts out—

There shall be ten justices of the peace in the District.

Now, this part of the bill proposes to amend section 3 by declaring that these officers shall not practice law. I think there ought not to be more than four justices of the peace in this District.

Mr. CLARK. How can four transact the business?

Mr. CANNON. Well, the whole ten have not much business. These are salaried officers, at the rate of \$3,000 per annum, and they earn in fees only a small part of their salaries.

I am not very particular about the number. It may be that there ought to be five of these officers. I have no objection to that number. But I would like to have it settled whether the section is subject to amendment. It is proposed in the bill to amend section 3 in one particular. Now, why is it not subject to amendment in another? It seems to me that it ought to be.

Mr. CLARK. Why not put the justices of the peace on a fee basis and then allow them to practice law for all it is worth?

Mr. CANNON. Formerly the justices of the peace in this District were on a fee basis, but the new code puts them on a salary basis, with salaries of \$3,000 each, and gives them an allowance of, I think, two or three hundred dollars for ordinary expenses.

A MEMBER. Two hundred and fifty dollars.

Mr. CANNON. Yes; they are quite lordly gentlemen.

Mr. CLARK. I am not in favor of having more than four of them, if they are salaried officers.

Mr. CANNON. I do not wish to speak disrespectfully of them. In a few minutes I can get a statement of the amount of fees that they earn. The amount is a very small part of what it costs to pay them their salaries.

Mr. CLARK. If these officers are going to receive salaries at all, ought not the salaries to be on the basis of the fees? That is the way it is everywhere else.

Mr. CANNON. It would seem so; yet a different arrangement was adopted in this codification, which was made last year. I think it might be well that these should be feed officers, provided they turn in their fees in excess of \$3,000.

Mr. CLARK. I know of only one place where justices of the peace get salaries, and that is St. Louis. I was a member of the legislature that helped pass the law allowing them salaries, and they were allowed salaries amounting to about one-half what they had received in fees. The reason for fixing salaries was the contention that those officers were receiving too much as fees—that they were making more than the circuit judges.

Mr. CANNON. Well, I will move as an amendment to strike out, in line 1, section 3, the word "ten" and insert the word "four."

Mr. JENKINS. It seems to me the gentleman's motion ought to be to amend the amendment.

Mr. CANNON. I do not know how to offer my amendment otherwise than I am doing. The Clerk is now reading what you propose to do. You propose to substitute for the pending bill what is printed in italics. Now, I propose to amend your substitute. I ask the Clerk to put my amendment in shape.

Mr. MUDD. Allow me to say that this bill consists of certain specific amendments to the code, and we can not well amend anything which is not in the bill.

Mr. CANNON. This proposed substitute does that.

Mr. MUDD. It seems to me that the proper thing for the gentleman from Illinois to do would be to ascertain the section of the code which fixes the number of justices of the peace.

Mr. CANNON. I have done so; it is section 3.

Mr. MUDD. There is another thing which, perhaps, ought to be provided for if this amendment is to be adopted. I do not know just what shape it is in, but if I understand correctly, there is a provision in this code that each justice of the peace shall have a deputy marshal, this officer taking the place of the constable under the old law.

Now, if the gentleman thinks it is proper to reduce the number of justices of the peace, I submit to him that he better consider whether or not he wants each justice of the peace to have three or four deputy marshals or whether he wants to reduce the number of marshals.

Mr. CANNON. Well, we will reach that when we get to it.

Mr. MUDD. We must be consistent in our economy as we go along.

Mr. CANNON. That is right.

Mr. MUDD. Suppose we pass that for the present.

Mr. CANNON. Oh, no; there are a whole lot of them. I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

After the word "office," in line 17 of the bill, amend by striking out the word "ten," in line 1 of said section, and inserting the word "four."

Mr. CANNON. So that it will then read: "There shall be four justices of the peace in the District."

Mr. JENKINS. Now, Mr. Speaker, if the gentleman from Illinois will yield to me for a moment, just for the purpose of asking a question—

The SPEAKER. The gentleman from Wisconsin will suspend a moment. The Chair is at a loss to know just the mode of procedure that the gentleman from Illinois is seeking to pursue. We have before us the code of law for the District of Columbia, approved March 3, 1901. The Senate brought in a bill proposing certain amendments to that code. The House committee in this case has adopted section 3 by way of a substitute, the same section that the Senate has. It seems to the Chair that all we can do now is to consider these amendments and that they must be germane to the proposition in the bill, not to the code itself. The gentleman's amendment is aimed at the code.

Mr. CANNON. Yes.

The SPEAKER. And there is nothing in the amendments here that touches the code so far as the amendment of the gentleman is concerned. The amendment must be germane to the bill, not to the code, and the bill does not take up the subject of the

number of justices of the peace at all, neither the Senate amendment nor the amendment recommended by the committee. The Chair is of opinion that in considering this bill we have to consider the bill and not the code. Now, if the gentleman has any views on that subject, the Chair will be glad to hear him.

Mr. CANNON. I have not. I supposed the object of this bill was to amend the code. It might as well have read in this way, after reading section 3 of the code, adding what is contained in lines 15, 16, and 17. Then, undoubtedly, it seems to me it would have been subject to amendment, but that is certain which can be rendered certain. Now, the proposition is to amend section 3 by adding at the end of said section the following words:

No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office.

That is the proposition. This is to amend the code—a bill to amend the code. The first thing to amend is section 3. I say, very well. Now, this entire amendment to section 3, it seems to me, is germane. It is true that it is unhandy to get at.

Mr. HILL. It is to amend the code.

Mr. CANNON. Yes; the title is "To amend an act entitled 'An act to establish a code of law for the District of Columbia.'" It seems to me any amendment from section to section, as this is being considered under the five-minute rule, and paragraph to paragraph, is apt, that amends the act. Of course, you have got to refer to the act to do that, otherwise we would deal strictly within very narrow limits in revising this act, and that is what it is, amending the whole act. We run from one section to another, and this, as I understand it, is a House substitute for the Senate bill.

Mr. JENKINS. If the gentleman from Illinois will yield a moment, I want to call his attention to the fact that the section would then be very imperfect. Section 3 provides for the appointment of 10 justices of the peace.

Mr. CANNON. Yes.

Mr. JENKINS. It further provides that the Supreme Court shall divide the district into 10 subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office, etc. Now, it would still need further change.

Mr. CANNON. Undoubtedly.

Mr. JENKINS. I would suggest that the gentleman take time to prepare a substitute for the pending proposition here on page 63, providing that section 3 of the act is hereby amended so as to read as follows, etc., and then embrace his amendment. Then the whole matter will be in harmony.

Mr. CANNON. I think that is wise, because these words ought to be stricken out:

By and with the advice and consent of the Senate.

It is getting so now that you can not appoint somebody to attend an ash-hopper—

Mr. MAHON. Or a pound catcher.

Mr. CANNON. Or a pound catcher, but what under the law as it creeps in through the carelessness of the House he has got to be appointed by the President, by and with the advice and consent of the Senate. [Laughter.] I think a substitute ought to be prepared, and I will say to my friend, if he is willing, I think I can in five minutes prepare a substitute for section three.

Mr. JENKINS. I want to say to the gentleman and to the House that I feel it to be my duty to state, inasmuch as this matter has been brought up here, that when the code passed the House we were of opinion that five justices of the peace were all that were required; but the bill as finally passed provided for ten. The gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, has called the attention of the District Committee to this matter, and insists that according to his information ten justices of the peace are too many at a fixed salary of \$3,000 a year apiece. Now, I do not see how I can possibly make any objection to the proposed amendment of the gentleman from Illinois; but I want the legislation harmonious. I therefore ask unanimous consent that we pass this section without prejudice, to return to it when it is convenient for the gentleman from Illinois to present his amendment.

Mr. CLARK. Mr. Speaker, I should like to ask the gentleman a question or two. What sort of jurisdiction do these justices have, criminal and civil both, or simply civil jurisdiction?

Mr. JENKINS. Civil jurisdiction.

Mr. CLARK. Then four are enough.

The SPEAKER. If the Chair can have the attention of the gentleman from Illinois a moment, the Chair sees what the gentleman from Illinois is seeking to accomplish. There have been a number of decisions bearing upon this question, some by the Chair in the last Congress, and others before that. It seems to the Chair that the gentleman can reach the matter that he seeks to reach by an amendment to this bill in section 3, where the justices of the peace are treated of, by a proviso that there shall not be more than eight, or whatever number he wishes, so long

as the amendment is aimed at the pending bill. Of course, the House can revise the code if it wants to; but it has here simply the amendments of the Senate. Those amendments are the subject-matter now before the House.

Mr. JENKINS. Then, I will ask unanimous consent to pass over this section.

Mr. CANNON. I think I have it ready now.

Mr. JENKINS. Then I withdraw my request, as the gentleman says he has his amendment prepared.

Mr. CANNON. I will read it. I propose this amendment by way of a substitute:

SEC. 3. Appointment and qualifications.—There shall be four justices of the peace in the District, who shall be appointed by the President of the United States for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have held the office of justice of the peace in said District for a period of at least two years or shall have been engaged in the actual practice of law before the supreme court of the District for a period of at least five years prior to his appointment. Each of said justices before entering upon the duties of his office shall take an oath for the faithful and impartial performance of the duties of his office, and shall give bond in such form, in such penalty, and with such surety or sureties as may be prescribed by the supreme court of the District. And said supreme court shall divide the said District into four subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require.

And then add the words that appear in this bill.

Mr. JENKINS. I should like to say to the gentleman from Illinois that I do not think his proposed amendment will operate as a repeal to section 3 of the code.

Mr. HOPKINS. Then why not put that in there?

Mr. JENKINS. The code provides for ten justices of the peace, while the proposed amendment provides for four. It might make fourteen, instead of reducing the number.

Mr. CANNON. No; my proposition is to amend section 3—

Mr. JENKINS. Amend section 3 "so that the same shall read as follows."

Mr. CANNON. That is what I propose to do—to amend section 3 so as to read as follows; and then if the Clerk will just add to the amendment those words—

The SPEAKER. The Chair understands that the gentleman means to strike out lines 14, 15, 16, and 17, after figure 3, and to insert.

Mr. CANNON. Yes.

The SPEAKER. The Clerk will make it conform.

The Clerk read as follows:

Strike out after the figure 3, in line 14, all of the paragraph and insert the following: "So as to read as follows:

"SEC. 3. Appointment and qualifications.—There shall be four justices of the peace in the District, who shall be appointed by the President of the United States for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have held the office of justice of the peace in said District for a period of at least two years or shall have been engaged in the actual practice of law before the supreme court of the District for a period of at least five years prior to his appointment. Each of said justices before entering upon the duties of his office shall take an oath for the faithful and impartial performance of the duties of his office, and shall give bond in such form, in such penalty, and with such surety or sureties as may be prescribed by the supreme court of the District. And said supreme court shall divide the said District into four subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require. No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Amend section 7 so that it will read as follows:

"SEC. 7. Jury trials: Trial by jury before justices of the peace is hereby abolished. Each justice of the peace is authorized and required on complaint under oath or actual view to issue warrants free of charge returnable to the police court against persons accused of crimes and offenses committed in the District of Columbia, and to make a record thereof in a book to be kept for that purpose."

Mr. RAY of New York. Mr. Speaker, I move to strike out the entire section and to insert in lieu thereof the words "Section 7 is hereby repealed." The District code by another section gives the justice's court—

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of lines 3 to 10, inclusive, on page 64.

Mr. RAY of New York. No; 4 to 10, inclusive.

The SPEAKER. The gentleman will please reduce his amendment to writing.

Mr. RAY of New York. It is simply to strike out section 7.

The SPEAKER. The gentleman will please reduce his amendment to writing.

The Clerk read as follows:

Line 3, page 64, after the word "trial," in line 2, strike out all down to the word "amend," in line 11, and insert "and section 7 of said act is hereby repealed."

Mr. RAY of New York. Now, Mr. Speaker, section 7, as it now stands, reads, "jury trials, trial by jury before justices of the peace is hereby abolished." That is all there is in it now. The jurisdiction of these justices of the peace extends to controversies involving the sum of \$300 or less, and replevin cases, etc., involving the same amount, and then in certain cases they have concurrent jurisdiction with other courts. Now, these cases may involve substantially all that the parties are worth who are compelled to go into these courts to have their rights determined; and I simply say that, in my judgment, it is an outrage upon the people of this District, the poorer classes of people, to deny to them the right of trial by jury. Their all is as sacred to them as is the property and property rights of the more prosperous citizens.

Now, the bill proposes to amend further—and it is the gist of this amendment—that each justice of the peace is authorized and required "on complaint under oath or actual view"—I do not know what view; but on view of something, I do not know what—"to issue warrants free of charge, returnable to the police court, against persons accused of crimes and offenses committed in the District of Columbia, and to make a record thereof and in a book to be kept for that purpose." In other words, it is proposed to give jurisdiction to these justices of the peace to issue criminal process. While they are deprived of all criminal jurisdiction, they may issue criminal process either on written complaint or do it "on view," whether it is "view of the crime," "view of the complainant," "view of the defendant," "view of the heavens," or "view of the adjacent property," or what they do not say. But I am opposed to this provision, and I hope this House is opposed to it. If they are unworthy to have criminal jurisdiction to hear and determine the merits of a complaint, they ought not to have the right to issue criminal process. Let the complainant go to the criminal courts or police justices.

In the State of New York a criminal process can not be issued by any officer until he has before him a complaint reduced to writing, until witnesses have been sworn to ascertain whether there is some cause to believe that a crime has been committed. Then the police justice or a judge or officer having criminal jurisdiction may issue process and make it returnable before himself or in certain contingencies before some other criminal officer. Now, in the first place, these two subjects-matter ought not to be confounded in the same section. In the second place, we ought not to deprive these people of a jury trial where so much to them is involved. It may seem a small amount to some of us and to the rich men of the District, but to thousands of citizens the sum is large.

Mr. CLARK. Mr. Speaker, there is another thing about this jury business. Article 7 of the amendments of the Constitution says:

In suits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

I do not believe if we put that in the law it is of any account after we put it in. Surely there is not a man in this country that ought not to have a jury trial if he wants one.

The SPEAKER. The question is on the amendment.

Mr. JENKINS. Mr. Speaker, I desire to oppose the amendment. Now, I want so say to the House that the only opposition that is made to this amendment is made by the gentleman from New York, who says he does not want it passed. I would like to accommodate the gentleman from New York whenever it is convenient and let his judgment prevail, but I ask that this House be informed before it votes on this question. I want to say to my friend from Missouri that he need not have any fears with reference to the right of trial by jury. Any man can now have a trial by jury. But I do not want the gentleman from Missouri to be misled by anything that the gentleman from New York has said. It is very evident that the gentleman does not understand this from what he has said.

In the first place, the policy of Congress has been to have all these criminal proceedings tried in the police court, where every advantage and opportunity is given for the trial of any case brought there. It is deemed much better for the administration of justice to have all these cases tried there. The judges are excellent men, men of experience, and men of judgment, and have the confidence of this community. They have their arrangements for the trial of all these cases. They have the officers there to assist them in the execution of their duty, and convenient rooms for the trial of all cases. All criminals now brought for trial, if they so desire, can be tried by jury. I want to say to the House and the gentleman from New York that this amendment that he is so bitterly opposed to is placed here before this House

by the earnest and unanimous request of the Commissioners of the District of Columbia, and does not prevent justice being done, and does not deprive any man of his legal rights.

Mr. RAY of New York. May I interrupt the gentleman? Have not the people of the District anything to say whether they shall have a trial by jury in civil cases involving \$300 or less, or not? Are we going to deprive several hundred thousand people of a trial by jury because the District Commissioners want it done?

Mr. JENKINS. The gentleman does not ask any question.

Mr. RAY of New York. Yes, I do; I ask that question.

Mr. JENKINS. There is no one complaining. If anyone has complained to the gentleman from New York, he has not communicated the complaint to the Committee on the District of Columbia.

Mr. RAY of New York. May I interrupt again?

Mr. JENKINS. I decline to yield.

Mr. RAY of New York. Let me say—

The SPEAKER. The gentleman from New York is out of order; he does not address the Chair.

Mr. RAY of New York. Mr. Speaker, will the gentleman yield for a question?

Mr. JENKINS. No; not at this time. I was saying to the members of the House, for their information, that if anyone has uttered any complaint no complaint has come to any member of the Committee on the District of Columbia with reference to this matter. Everybody that is charged with an offense can be tried by a jury in the police court of this District. The amendment is introduced at the request of the Commissioners in the interest of justice, because it is not always convenient for a person who knows when a crime has been committed to come down to the police court and make complaint, but it was deemed advisable, after considering the question, to recommend to this House that this amendment be adopted, because it simply gives any person who knows, or who has reason to believe, that a crime has been committed, an opportunity to go before one of the justices of the peace and make complaint, so that that party can be arrested; the warrant is returnable to the police court.

It makes no difference to the committee whether the amendment is struck out, but I want the House to understand that it does not deprive anyone of any right under the Constitution of a trial by jury; they are tried the same, but it is recommended because it may prevent the escape of criminals.

It might as well be understood that the people of Washington labor under a great many embarrassments here that no other community in the country labors under.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. RAY of New York. Now, Mr. Speaker, the gentleman has stated over and over again that every person may have a jury trial under the provisions of this law, and he criticises the gentleman from New York for suggesting something to the contrary. Now, let us read the law that they propose to put upon the statute book:

Amend section 7 so that it will read as follows:

"Sec. 7. Jury trials: Trial by jury before justices of the peace is hereby abolished. Each justice of the peace is authorized and required on complaint under oath or actual view to issue warrants free of charge returnable to the police court, against persons accused of crimes and offenses committed in the District of Columbia, and to make a record thereof in a book to be kept for that purpose."

Mr. JENKINS. That is the present law.

Mr. RAY of New York. And I move to strike it out and restore jury trial; that is my amendment. The gentleman from Wisconsin has stated over and over again that the people are not deprived of a jury trial, but are entitled to it. In that he is mistaken. I say that in my judgment, and I submit it to the judgment of the men of this House, that here in the District of Columbia the people who have \$300 or even less at stake have a right to a jury trial and ought to have it if they see fit to demand it. If they do not demand it, then they can go to trial before a justice of the peace without a jury. Strike this out and they can have a jury trial or not, as they see fit. Strike this out and the man with \$300 or even less at stake may have his case submitted to a jury.

Leave it in and you and I here in this District seeking justice are compelled to go to trial before one of these justices of the peace, who may be an enemy of ours, and we can not have a jury. You deny one of the greatest privileges sought to be guaranteed to these people by the Constitution of the United States. If it is \$350, you can have a jury trial; but if it is \$300 or less, no. If it is \$3,000, a part of what the rich man has, he may have the jury trial; but all that the poor man has may be swept away from him without a jury trial.

If a Republican House in the twentieth century desires to write that infamy on the statute book, I want them to do it; but I will give you a fair chance to go on record before it is done. [Applause.]

Mr. KLEBERG rose.

Mr. RAY of New York. I yield to the gentleman.

Mr. KLEBERG. I agree with the gentleman from New York, but I wish to bring out this fact: Is it not a fact that this amendment has reference to civil cases as well as criminal?

Mr. RAY of New York. Certainly. They propose the section as it stands with an amendment to the section which gives a justice of the peace who has no criminal jurisdiction the power to issue warrants in criminal cases, even on a view; some indefinite view, and the amendment does not say what. It may be a view of the crime itself; that is what is meant, probably. It may be a view of the criminal; it may be on a view or inspection of the complainant. I say the section as it stands is ill-advised; I say it is wrong; I say it is a violation of the principles of our Government, a violation of the liberties of the people of the District of Columbia, and I trust the amendment will be agreed to. It strikes the section—section 7—from the law—the District code.

Mr. BARTLETT. I agree thoroughly with the gentleman on the proposition that we ought to have jury trials in the District of Columbia. The gentleman remembers that I have a bill before his committee to give trial by jury to other citizens who are charged—

Mr. RAY of New York. Well, we will take care of that when we get to it. Let us correct one evil at a time.

Mr. BARTLETT. I am with the gentleman on the present question; but I hope he will remember his present views about jury trials when he comes to frame a report on that bill.

Mr. RAY of New York. Well, you will get no promises out of me now. [Laughter.]

Mr. BARTLETT. I do not want any "promises" from the gentleman. I merely ask that he shall carry out his views consistently in other cases in reference to jury trials.

Mr. RAY of New York. I can not say what the committee will do with the gentleman's bill when it is reached; but I do not think there is any such statute as that I am now discussing anywhere on any of our statute books.

Mr. JENKINS. Mr. Speaker, I desire simply to say what my limited time prevented me from saying a moment ago—that the law to which the gentleman from New York [Mr. RAY] seems so bitterly opposed now, in the interest of the poor man, is the existing law; and the gentleman from New York voted for it if he was present in the House discharging his duty at the time the measure was under consideration. And this provision of law was recommended unanimously by the bar of this District; and I think the bench also approved of it. But, at any rate, section 7 as it now reads here in the code was pending here before Congress for at least six months, and not a single individual in or out of the city of Washington, in or out of Congress, raised any objection to the proposed law, and it received the approval of both Houses and the approval of the President of the United States; and I repeat, up to this time not a single person has uttered a complaint against it.

Mr. BARTLETT. Will the gentleman allow me a single suggestion? As everybody knows, the Constitution secures to every individual a jury trial in all cases involving more than \$20. Now, on what authority do we undertake to change that provision by making the limitation \$300 instead of \$20?

Mr. JENKINS. Well, I have not time to enlighten my friend from Georgia with reference to the Constitution. If he will only read it, he is capable of understanding it himself.

Mr. BARTLETT. I want to know the gentleman's construction.

Mr. JENKINS. Now, the only amendment that has been recommended by the committee is to permit a justice of the peace to issue a warrant for the arrest of an offender and to have that warrant returnable to the police court. That is the amendment.

Mr. BARTLETT. Have I the gentleman's permission for a single further suggestion? I understood the gentleman from New York [Mr. RAY] to refer to a jury trial in civil cases.

Mr. JENKINS. Well, that is the law in the District now; and the gentleman from Georgia [Mr. BARTLETT] voted for it.

Mr. BARTLETT. Well, if I did, I did not know it.

Mr. MANN. Nobody voted for it; it passed by unanimous consent.

Mr. CLARK. Will the gentleman from Wisconsin [Mr. JENKINS] allow me to ask him a question?

Mr. JENKINS. I yield for a question.

Mr. CLARK. Suppose that the law is now as the gentleman states, why not change it? The House has power to do that.

Mr. JENKINS. I have not the slightest objection, if it is at present the opinion of Congress that the law ought to be changed. I simply want the House to understand the question. We are not now recommending that provision.

Mr. CLARK. What reason do the proponents of this proposition to take away the trial by jury give for it?

Mr. JENKINS. Well, this was passed nearly two years ago, I believe.

Mr. CLARK. I do not care when it was passed. What reason

is there for taking away the trial by jury? There must be some reason or the provision ought not to be sanctioned.

Mr. JENKINS. I do not know anything about that question at this time.

Mr. RAY of New York. I can answer that question if the gentleman from Wisconsin will permit.

Mr. JENKINS. Very well.

Mr. RAY of New York. The object of putting that provision in was to make it easy for these gentlemen—these 10 justices of the peace in the District of Columbia—to draw their salaries out of the public Treasury. That was the object—to do away with the labor of drawing a jury, to give these 10 justices of the peace more personal power, more dignity.

Mr. CLARK. How does taking away the trial by jury help them to draw their \$3,000 a year?

Mr. RAY of New York. They get their salaries more easily—don't you see?

Mr. CLARK. I do not.

Mr. RAY of New York. They do not have the work of impaneling a jury, or their power or influence lessened. The law makes them both judge and jury.

Mr. CLARK. Let me ask another question. Is not this abolition of trial by jury directly and squarely in the face of the seventh amendment of the Constitution of the United States?

Mr. JENKINS. Now, Mr. Speaker—

Mr. CLARK. Wait a minute. I desire the gentleman to answer that.

The SPEAKER. The gentleman from Wisconsin has the floor.

Mr. RAY of New York. I think it is unconstitutional, I will state to the gentleman from Missouri. It is unjust. It may be held that the District of Columbia is not entitled to the benefit of the constitutional provision referred to, but subject to such arbitrary acts as Congress sees fit to enact.

Mr. JENKINS. As I say, Mr. Speaker, I simply want the House to understand the question. I have no personal pride about it, and I do not think any gentleman on the committee has. I simply want them to understand that some year and a half ago the law was passed in this District that trial by jury before justices of the peace be abolished. Now, then, if Congress wants to change it, I have not the slightest objection. I am simply saying that up to this time no citizen of this District or any person else has come and made any complaint to the committee on the question. I will ask for a vote on the amendment, Mr. Speaker.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Amend section 39 so that it will read as follows:

"Sec. 39. Retiring justices, and removal, resignation, and death.—It shall be the duty of every justice of the peace hereafter appointed, upon his resignation or removal from office, or the expiration of his commission, and in case of his death, it shall be the duty of his executor or administrator, to deliver all dockets and all original papers in cases in the possession of such justice of the peace at the time of his resignation, removal, expiration of commission, or death, to his successor in office."

Mr. RAY of New York. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

In line 22, page 65, after the word "administrator," insert the following: "if such dockets or papers have come to his possession or are within his control."

Mr. RAY of New York. Now, Mr. Speaker, I desire the attention of the House to what this section as it reads provides. It is as follows:

It shall be the duty of every justice of the peace hereafter appointed, upon his resignation or removal from office or the expiration of his commission, and in case of his death it shall be the duty of his executor or administrator, to deliver all dockets and all original papers in cases in the possession of such justice of the peace at the time of his resignation, removal, expiration of commission, or death to his successor in office.

Then the following:

Upon failure of any person to deliver such dockets and papers as in this section provided, he shall forfeit to the United States the sum of \$500, to be recovered as other penalties are recovered.

Now, of course it is presumed that on the death of the justice of the peace these papers would be in his possession, but months may expire before an administrator is appointed. Other people may have access to the papers and remove or destroy them, but when the administrator or executor is appointed, so that he has power to take possession, he may not find these dockets, he may not find these papers, and they may never come into his possession or under his control; but still the law makes it the absolute duty of the executor or administrator to deliver them over, and if he does not he is subject to a penalty of \$500. The amendment simply provides that it shall be the duty of the executor or administrator, etc., adding as follows:

If such docket or papers have come into his possession or are within his control.

Now, you can not answer that by saying that the law would

not be enforced against him if he does not have the possession, because it is his duty, as the proposed law reads, to deliver them whether he has them or not. He is the executor or the administrator, and the law that you have written here would be absolute. Therefore the amendment makes it safe for the executor or administrator even if some might argue that it is unnecessary that the court would give a more favorable construction.

Mr. JENKINS. Mr. Speaker, the committee has no objection to the amendment. It does not change the law. This amendment was drawn by the Bar Association, and certainly any lawyer on earth would know that if the books and papers never came into the hands or keeping of the administrator he certainly could not be punished for failure to deliver them over; but as I say, the committee has no objection to the hypocritical amendment.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Amend section 42 by substituting for said section the following:

SEC. 42. Constitution.—There shall continue to be a police court in the District as at present constituted, consisting of two judges learned in the law, appointed by the President, by and with the advice and consent of the Senate, for the term of six years, or until their successors are appointed, who shall each receive a salary of \$3,000 per annum. The said judges shall hold separate sessions and may carry on the business of said court separately and simultaneously, and are empowered to make rules for the apportionment of the business between them, and the act of each of said judges respecting the business of said court shall be deemed and taken to be the acts of said court. Each judge when appointed shall take the oath prescribed for judges of courts of the United States.

Mr. OVERSTREET. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out in line 4, page 67, the word "three" and insert in lieu thereof the word "four."

Mr. OVERSTREET. Mr. Speaker, there are at present in the District of Columbia two police judges who, under existing law, receive a salary of \$3,000 per year. The amendment proposes an increase of this salary from \$3,000 to \$4,000 a year. I appreciate that there are those who think that it is unwise to offer to increase any of these salaries, and yet if it is right there should be no objection. If they are not receiving what they are entitled to for the work performed, Congress should see that they are properly paid.

There have been tried in this court in the District of Columbia, covering the last several years, an average of over 16,000 cases per year. There have been on an average from 150 to 175 jury cases each year. These judges are given no holidays, because, gentlemen, understand that, unfortunately, holidays produce a large amount of police-court business. They are not paid in proportion to the time they are at work nor the amount of business which they discharge. They are two of the best men in the District, who have served a long time, who are familiar with the law, and who by their acts have proven that they understand the proper discharge of their duties.

Now, Mr. Speaker, the fines paid have something to do with evidencing the amount of work done; not the fines assessed, but the fines paid. The fines paid during the last several years have averaged between thirty-five and fifty thousand dollars per year in this court, and I submit that in justice to these men, who work without holidays, who are allowed only a little sum extra over and above their salary of \$3,000, namely, \$300 a year to cover emergencies when they are obliged to employ some one to sit for them when they are incapacitated from illness or otherwise, they should receive this increase, which does not go beyond the amount usual in cities of this size. I understand that in other cities of about equal population and equal business, perhaps, the salaries are larger than those proposed by this amendment.

I want to suggest, Mr. Speaker, that for the first four months of this year, January, February, March, and April, the fines actually paid in the police court of this District amount to over \$20,000. The cases have averaged a larger number than for the preceding three or four years, so that the amount of work is increasing constantly, and I trust that gentlemen will not undertake to be parsimonious with these men, but will recognize that as men of high character and good qualifications, of long experience in this business, a most delicate and embarrassing business for any jurist to transact, gentlemen will see to it that these men are properly paid, under the custom prevalent in such courts. I have here a little statement showing the business for the last few months only. If this average should continue, the business of this court will greatly increase this year over any preceding year in the history of the District.

I speak of this only as an evidence of the constantly growing business of the court. I will not detain the House, but will ask that this statement be printed, showing the growth of the business in the District, and that it thoroughly and completely warrants this slight increase in the pay.

Number of cases disposed of in the police court from January 1, to December 31, 1901.

United States branch	6,621
District of Columbia branch	12,581
Total	19,202

Committed to jail and reform school	2,065
Committed to workhouse	4,408
Committed to board of Children's Guardians	451
Total committed	6,924

Fines paid.	
United States branch	\$16,304.87
District of Columbia branch	39,463.13
Total	55,768.00

Fines paid in 1902, by months.		
Date.	United States branch.	District of Columbia branch.
January	\$1,082.37	\$3,828.67
February	1,148.72	3,595.98
March	1,704.96	4,558.42
April	1,324.04	4,364.38
Total	5,260.09	16,287.45

Total both branches	\$21,547.54
Estimating 1902 at the above rate	64,062.62

The appropriation for the police court for the next fiscal year as passed the House of Representatives is:

For salaries	\$30,840.00
Witness fees	4,000.00
Jurors' fees	8,000.00
Feeding jurors	100.00
Repairs to building and furniture	1,000.00
Rent of ground occupied by police-court cells	600.00
Total	34,540.00

Receipts over expenditures for all purposes, more than	30,000.00
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Mr. ALEXANDER. Mr. Speaker, will the gentleman allow me a question?

Mr. OVERSTREET. Yes.

Mr. ALEXANDER. How many police courts have you in Indianapolis?

Mr. OVERSTREET. Only one.

Mr. ALEXANDER. We have one in Buffalo. How many have they in Pittsburg?

Mr. OVERSTREET. I think Pittsburg has magistrates.

Mr. ALEXANDER. Why do they need two police justices in this quiet, orderly city of Washington?

Mr. OVERSTREET. The fact that there are over 16,000 cases a year, and that fines actually paid amount to \$50,000 a year, would show that this city is not always a quiet one.

Mr. ALEXANDER. Why not have one police justice, as there is in most cities, I apprehend, and then give him a salary of \$4,000?

Mr. OVERSTREET. This is a larger city than Indianapolis and a larger city than Buffalo, and upon the merits of the case I think the amendment is entirely proper.

Mr. DALZELL. I will say to the gentleman from New York that there is no police court in Pittsburg, but that justices of the peace attend to all that sort of thing.

Mr. DAYTON. May I suggest in answer to the gentleman from New York that the justices of the police court here have a double jurisdiction—one as regards offenses against the city and the other offenses against the United States.

Mr. COWHERD. Mr. Speaker, I desire to be heard for a moment. I regret to oppose any amendment offered by my friend from Indiana [Mr. OVERSTREET], but it seems to me that these judges are certainly paid enough in comparison with the pay that is given to judges of the United States courts and judges of the different State courts. The gentleman talks about the great amount of business they transact. This is simply an ordinary police court, and the gentleman knows in what way they transact business there. They try twenty, thirty, or forty cases a day with as much ease or more ease than a circuit judge tries one case that comes before him. The trials ordinarily are very informal. A man is brought up, a policeman testifies and the man testifies, and perhaps one or two other witnesses, but more frequently none, and that is all there is of it. I venture to say four-fifths of the defendants plead guilty. These men now get \$3,000 a year.

The average judge of a circuit court in the States of the Union does not get more than that, although he tries both civil and criminal cases of the utmost importance. The judges of the United States district courts, who, as we all know, transact the circuit court business, also get only \$5,000 a year.

It seems to me it would be a piece of folly for the Congress of the United States to give a police judge in the city of Washington \$4,000, when the salary given to judges of the United States district courts is only \$5,000. It would be out of all harmony with

the action of Congress in reference to the judges of the United States courts. I hope the amendment will be defeated.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Speaker, I desire to move an amendment. I move to strike out in line 2 the following words:

The SPEAKER. What page?

Mr. CANNON. Page 67. "By and with the advice and consent of the Senate." This is the criminal justices of the peace.

The SPEAKER. Does the gentleman desire to be heard?

Mr. CANNON. No; I am ready for a vote.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend section 51 by substituting for said section the following:

SEC. 51. DISABILITY OF JUDGE.—In cases of sickness, absence, disability, expiration of the term of service or of death of either of the judges of said court, any one of the justices of the supreme court of the District of Columbia may designate one of the justices of the peace to discharge the duties of said police judge until such disability be removed or vacancy filled. The justice so designated shall take the same oath prescribed for the judge of the police court and shall receive the sum of \$5 for each day of service, in addition to the salary now provided for by law, to be paid in the same manner as the salary of the judge of the police court.

Mr. JENKINS. Mr. Speaker, I offer the following amendment for the committee.

The Clerk read as follows:

Strike out lines 22, 23, 24, and 25 on page 67:

"And shall receive the sum of \$5 for each day of service, in addition to the salary now provided for by law, to be paid in the same manner as the salary of the judge of the police court."

Mr. JENKINS. I desire to further amend by striking out all after the word "court," in line 22. In preparing the amendment I observe that I did not include enough. The object and purpose of the amendment, I will say, Mr. Speaker, is to prevent paying a justice of the peace \$5 a day when called to preside when the police judge is absent. Under the present law each justice of the peace gets \$3,000 a year salary and an allowance of \$250 for stationery, office rent, etc. The police judge gets \$3,000 a year only.

Now, if the police judge happens to be sick or desires to be absent, one of the justices of the supreme court can designate one of the justices of the peace to act temporarily during the absence of the police judge; but under the present law the justice of the peace gets \$5 a day extra for this service. The object and purpose of the amendment is to prevent that and to compel that officer to perform those duties without extra compensation.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend section 65 by inserting in the fourteenth line thereof, after the word "auditor," the words "and also," and by striking out the comma in said line 14 after the word "crier;" also by adding at the end of said section the words "Provided, That nothing in this section contained shall affect the jurisdiction of the supreme court of the District of Columbia in special or general term in the case of the United States v. Martin F. Morris and others, now pending therein, but the jurisdiction of the said court, both in special and general term, and the jurisdiction of the Supreme Court of the United States shall remain and continue as to said cause, under the act of Congress entitled 'An act to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia,' approved August 5, 1886, and an act of Congress approved January 7, 1895, entitled 'An act supplementary to an act entitled 'An act establishing a court of appeals for the District of Columbia, and for other purposes,' approved February 9, 1893,' and an act of Congress entitled 'An act relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats,' approved March 2, 1901, as if the act entitled 'An act to establish a code of law for the District of Columbia,' approved March 3, 1901, had not been passed."

Mr. RAY of New York. It may be all right, but I desire to inquire of the gentleman in charge of the bill about amendment 65. You say nothing shall affect a certain suit. What suit is that? Of course, special legislation that might not affect other suits, but only one particular suit, or the contrary, ordinarily would be objectionable.

Mr. JENKINS. The gentleman from New York will remember that the Committee on the Judiciary last Congress passed a bill with reference to the case known as the United States against Morris, affecting some land down here. The amendment to the code is not to affect that suit, after that law was passed.

The Clerk read as follows:

Amend section 102 so that it will read as follows:

"SEC. 102. Process against infants.—Whenever an infant is party defendant in any suit, in equity or at law, the subpoena or summons issued in such suit shall be served upon him personally, if within the District, and said infant shall in such case be produced in court, unless, for cause shown, the court shall dispense with his appearance; and it shall be the duty of the court to appoint a suitable and competent person guardian ad litem for such infant, to appear for and defend such suit on his behalf, and whenever in the judgment of the court the interests of such infant shall require it the court shall assign a solicitor or attorney to represent such infant, whose compensation shall be paid by the plaintiff, or out of the estate of such infant, at the discretion of the court."

Mr. RAY of New York. Mr. Speaker, I can not find in the code adopted for the District of Columbia any provision any-

where that provides for the service of process where a suit is brought against an infant of tender years, upon his guardian, next friend, parent, or person with whom he resides. I do not think there is any such provision in the act. Of course, if the gentleman can assure me that there is such a provision elsewhere, then I will not offer this amendment. But in the State of New York and in all the States where I am familiar with the practice the code provides, not only for personal service upon the infant of tender years, but for service upon the parent of such infant or person with whom he resides.

Mr. JENKINS. I have no objection to that amendment.

Mr. RAY of New York. I do not want to duplicate the law. I send the following amendment to the desk.

The Clerk read as follows:

In line 14, page 70, after the word "personally," insert the following: "And also the person with whom he resides, if under 16 years of age."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 115b. Estates of lunatics.—The said court shall have full power and authority to superintend and direct the affairs of persons non compos mentis, and to appoint a committee or trustees for such persons, and to make such orders and decrees for the care of their persons and the management and preservation of their estates, including the collection, sale, exchange, and reinvestment of their personal estate, as to the court may seem proper. The court may, upon such terms as under the circumstances of the case it may deem proper, decree the conveyance and release of any right of dower of a person non compos mentis, whether the same be inchoate or otherwise.

Mr. RAY of New York. Mr. Speaker, I submit the following amendment:

The Clerk read as follows:

In line 18, page 72, after the word "persons," insert the following: "After hearing the nearest relatives of such person or some of them if residing within the jurisdiction of the court."

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, it has been proposed that we adjourn from Thursday of this week to Monday next on account of Decoration Day. Many members have been asking me about it, and I move that when the House adjourn on Thursday of this week, it adjourn to meet on the Monday following.

Mr. KEHOE. Mr. Speaker, would not that interfere with war claims day?

Mr. PAYNE. I think the gentleman had better leave that open. The truth is by passing the omnibus bill the Committee on War Claims have had a pretty good chance already.

Mr. KEHOE. We have had only one day.

Mr. PAYNE. Well, that was a pretty good day.

Mr. KEHOE. We have no objection to it if you will give us another day for war claims.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. MADDOX) there were—49 ayes and 4 noes.

Mr. MADDOX. Mr. Speaker, I make the point of no quorum. If we can get unanimous consent to have Tuesday next for war claims, I will withdraw the point, but we will never get it unless we have some understanding about it.

Mr. PAYNE. In the absence of the chairman of the Committee on War Claims I do not feel like making any agreement. If I can withdraw the motion now, I will do so. I ask unanimous consent to withdraw my motion.

The SPEAKER. That can be done if the gentleman from Georgia withdraws the point of no quorum.

Mr. MADDOX. I will withdraw the point, Mr. Speaker.

The SPEAKER. The point is withdrawn, and the motion is withdrawn.

Mr. PAYNE. I desire to give notice, Mr. Speaker, that I will make the motion to-morrow morning immediately after the reading of the Journal.

AMENDMENTS TO THE DISTRICT CODE.

The Clerk read as follows:

Amend section 121 so that it will read as follows:

"SEC. 121. The said register of wills may receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final passage or rejection of same by the court, may take probate of claims against the estates of deceased persons that are proper to be brought before him, and pass any claims not exceeding \$500; may take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval by the court. It shall be his duty to make full and fair entries of the proceedings of said court, and also to make a fair record in a strong bound book or books of all wills proved before him or said court, and of all other matters by law directed to be recorded in said court, and to lodge every original paper filed with him in such place of safety as the court may appoint. He shall make out and issue every summons, process, and order of the court, and in every respect act under its control and direction in reference to matters coming within the jurisdiction of said court. He shall be, and hereby is, authorized to appoint two deputies, who may do and perform any and all the acts necessary in the administration of his office and the certification of the records of said court which he himself is authorized to do; also to appoint and fix the number and the compensation of the employees of said probate court and office of register of

wills; *Provided*, That any expenditures incurred by him in so doing shall not be a charge upon the public treasury, but shall, together with his own compensation, be paid out of the revenues of the office of register of wills.

Mr. BABCOCK. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Insert in line 17, page 77, after the word "compensation," the following: "which shall be at the rate of \$4,000 per annum."

Mr. COWHERD. Mr. Speaker, I would like to ask the gentleman if that is a change of existing law or the same salary that he has now?

Mr. BABCOCK. This is the salary of the register of wills.

Mr. COWHERD. But is it the same salary that is provided by law or is it an increase?

Mr. BABCOCK. The salary of the register of deeds is \$4,000, and this will equalize them and make them the same—the register of wills and the register of deeds.

Mr. COWHERD. It seems to me, Mr. Speaker, that when this matter was considered in the subcommittee we came to the conclusion that his salary was sufficient at present, and it did not require any increase. It seems to me that if the register of wills, who, I admit, sometimes acts somewhat in the capacity of a probate judge—that the salary is sufficient and that we ought not to increase these salaries.

Mr. BABCOCK. Just a word, Mr. Speaker, in reference to that. The salary of the register of wills is \$3,600, and of the register of deeds, \$4,000. As a matter of fact, the register of wills ought to have a greater salary than the register of deeds.

Mr. COWHERD. Could they not be equalized by reducing it at the other end?

Mr. BABCOCK. That might be done. But, as I say, the register of wills ought to have a larger salary than the register of deeds for the reason that the register of wills is acting in the capacity of a probate court.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was considered; and the amendment was disagreed to.

The Clerk read as follows:

Amend section 175 by striking out the proviso at the end and inserting in lieu thereof the following:

"*Provided*, That for proceedings in the probate court deposits and fees shall be paid to the register of wills, who shall be entitled to demand and may require, upon the presentation for filing of a petition or a caveat to a will, a deposit for his fees to be charged for the proceedings under such petition or such caveat; and upon such deposit becoming exhausted in the liquidation of his fees so charged, he may demand and require a further deposit from the original petitioner or caveator; but such deposits shall not be required in excess of \$10 at any one time."

Mr. JENKINS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

In line 12, page 81, strike out the word "ten" and insert the word "fifteen."

The amendment was agreed to.

The Clerk read as follows:

Amend section 275 so that it will read as follows:

"Sec. 275. Special bond.—If the person appointed as administrator shall be entitled to the residue of the estate after the payment of the debts, he may, instead of the bond herein provided for, execute a bond, with security approved by the court, in such penalty as the court may consider sufficient, conditioned for the payment of all the debts and claims against the deceased, and all damages which shall be recovered against him as administrator; and where the administrator shall file the consent in writing of those entitled to the residue and they shall all be of full age, the court may, if it see fit, direct that only such special bond be given, and in such cases the administrator shall not be required to return any inventory or account, but shall be personally answerable for all debts, claims, and damages that may be recovered against him, in like manner as the executor who gives a similar bond: *Provided*, That the surety or sureties in said bond shall not be liable for a greater amount than the penalty thereof."

Mr. RAY of New York. Mr. Speaker, I move to strike out the last word. I desire to call the attention of this House to the legislation being written on the statute book. Here we have a special section in relation to estates of deceased persons. Now, if a person dies, the creditors have a lien on all the property, real and personal, for the payment of debts, and the executor or administrator, after it came to his possession, should he waste it, is liable criminally.

This section that you are about to adopt, or amend—it has already been adopted in the District code—simply does away with the criminal liability where the executor or administrator is a residuary legatee or principal devisee, and the property can all pass to his hands as owner. He may dissipate it, he may spend it, but if he has given the bond here provided the creditors of the estate must look to the bond for their protection for the payment of their debt. They are without the other, the usual remedies, the remedies the law has heretofore given creditors of deceased persons.

And if the bond turns out to be bad, uncollectible, then they have no remedy against the executor or administrator, as the case may be.

I shall not now occupy the time of the House to oppose the provision or to attempt to strike it out, but I want to enter my protest against it, because I dare say there is no such provision anywhere in any State of this Union.

Mr. McDERMOTT. Is there any State in the Union where a residuary legatee, being an executor, can not waive the ordinary duty of filing an account?

Mr. RAY of New York. So far as the account is concerned—

Mr. McDERMOTT. That is all this section does.

Mr. RAY of New York. I beg the gentleman's pardon.

Mr. McDERMOTT. My reading of the section is this—

Mr. RAY of New York. What the section does is this: It substitutes a special bond for the liability, civil and criminal, of the executor or administrator and does away with the ordinary bond protecting the creditors, if he wastes the estate and does not pay the debts. This permits him to give a bond, and he is released from all criminal responsibility, whether the creditors get their pay or not.

Now, in nearly every State of this Union—every State with whose laws I have any familiarity—an executor or administrator remains liable criminally; and if he dissipates or wastes the property, then his bondsman is liable to the creditors. Not only are they liable to the creditors, but the executor or administrator may be prosecuted criminally.

Mr. McDERMOTT. There is nothing in the proposition of this section that relieves the executor or administrator from criminal liability.

Mr. RAY of New York. Certainly there is.

Mr. McDERMOTT. Well, where is it?

Mr. RAY of New York. Why, it is in the language of the section—

Mr. McDERMOTT. I would like to have it pointed out.

Mr. RAY of New York. Because this substitutes a bond, upon the assumption—

Mr. McDERMOTT. There is no proposition in section 275 as amended that relieves the executor or administrator of criminal liability. Such a proposition has never been placed in any statute.

Mr. RAY of New York (reading):

If the person appointed as administrator shall be entitled to the residue of the estate after the payment of the debts, he may, instead of the bond herein provided for, execute a bond, with security approved, etc.

And then the section goes on to provide that he then becomes the owner of the property; and the only protection to the creditor is the bond which has just been given. He can not misappropriate his own money or property. The creditors lose their lien.

Mr. McDERMOTT. If he is the residuary legatee there is no necessity for his filing an account. All that the section provides is that in any civil procedure for the administration of the estate he may and shall file a bond. That is the procedure in every State of the Union. On filing that bond to carry out the terms of the trust that rests upon him under the law, he is released from the necessity of filing an account, he being the residuary legatee. That, in my opinion, is the law in every State in the Union.

Mr. RAY of New York. Now, let me ask the gentleman—

Mr. McDERMOTT. The proposition that he is released from criminal liability is unwarranted.

Mr. RAY of New York. Criminal liability attaches for the wasting of the property and not applying it, first, to the payment of the debts and funeral expenses, and second, in the case of a will, to the payment of legacies, or, where there is no will, to the payment of the distributive shares. Now, the bond protects that, and the creditors, legatees, devisees, or distributees, as the case may be, have another remedy, which is to prosecute the executor or administrator criminally, if he wastes the property. But the trouble with this section is that it does away with the criminal liability and allows the executor or administrator to give a bond for the payment of the debts and become the owner of the property. Then he can not be made liable for wasting his own property, because the lien of the creditors, the distributees, the devisees, or the legatees is gone. That is the point of my objection. Also the bond may be insufficient in amount. The court may be deceived as to the amount of debts.

Mr. McDERMOTT. The proposition that an executor or an administrator is relieved from criminal liability for abuse of his trust by the filing of a bond under this section is preposterous. There is no word of the section which warrants any such construction. On the contrary, this section provides that within the District of Columbia one who is appointed an executor and is a residuary legatee under the will shall give an additional security to that called for in any State of the Union. If the gentleman will read any part of this section which relieves a man under such circumstances from criminal liability I shall be glad to hear it.

Mr. RAY of New York. The exemption is conveyed in express

terms. It is not a question of construction; it is a question of words written in the law.

Mr. McDERMOTT. What words give any exemption from criminal liability?

Mr. RAY of New York. If the executor or administrator gives this bond, he becomes the owner of the property; and the creditors, if he does not pay, must look to what? The bond.

Mr. McDERMOTT. He becomes the owner of the residuary property; and in addition to his obligation as executor his payment of the legacies is further secured, and he being the residuary legatee, that is all that is required of him.

Mr. RAY of New York. I have offered no amendment. I simply call attention to it for the benefit of the future, but the gentleman simply ignores the express language of the law.

Mr. Speaker, I ask unanimous consent to withdraw the pro forma amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to withdraw the pro forma amendment. Without objection, it is so ordered.

There was no objection.

ORDER OF BUSINESS.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that the House now take a recess until to-morrow morning at 11 o'clock for the purpose of completing this bill.

Mr. PAYNE. Mr. Speaker, pending that, I would like to renew the motion I made a few moments ago, that when the House adjourn on Thursday next it adjourn to meet on the Monday following.

The SPEAKER. The question is on the motion of the gentleman from New York, that when the House adjourn on Thursday next it adjourn to meet on the following Monday.

The motion was agreed to.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the House take a recess until 11 o'clock to-morrow morning.

Mr. PAYNE. Is it the understanding that no business be considered except this bill?

Mr. JENKINS. Yes.

The SPEAKER. With the understanding that no other business be considered except this bill.

Mr. UNDERWOOD. Mr. Speaker, is it a unanimous consent that is asked?

The SPEAKER. That is what is asked.

Mr. UNDERWOOD. I did not hear it and I came over here to try and hear. What is asked?

The SPEAKER. That the House take a recess until to-morrow morning at 11 o'clock for the purpose of concluding this bill.

Mr. UNDERWOOD. And no other business to be considered?

Mr. JENKINS. No.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

Mr. HOLLIDAY, for eight days, on account of important business.

Mr. SKILES, for ten days, on account of important business.

Mr. DAVEY of Louisiana, for ten days, on account of important business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13503. An act granting an increase of pension to Charles Haltenhof;

H. R. 13266. An act granting an increase of pension to Elbert N. Remson;

H. R. 13265. An act granting an increase of pension to John Whalen;

H. R. 13249. An act granting an increase of pension to Ada Trowbridge;

H. R. 13162. An act granting an increase of pension to Augustin M. Adams;

H. R. 13132. An act granting an increase of pension to Annie Cotter;

H. R. 12780. An act granting an increase of pension to William H. Wheeler;

H. R. 12778. An act granting an increase of pension to Edward R. Blain;

H. R. 12562. An act granting an increase of pension to William H. Temple;

H. R. 12458. An act granting an increase of pension to William M. Barstow;

H. R. 12012. An act granting an increase of pension to Walter C. Tuttle;

H. R. 11921. An act granting an increase of pension to George W. De Graw;

H. R. 11644. An act granting an increase of pension to Edgar A. Hamilton;

H. R. 11285. An act granting an increase of pension to William Sheldon;

H. R. 10731. An act granting an increase of pension to Samuel P. Milburn;

H. R. 10201. An act granting an increase of pension to Otis R. Freeman;

H. R. 10165. An act granting an increase of pension to Delia E. Slocum;

H. R. 9926. An act granting an increase of pension to James F. Patton;

H. R. 9569. An act granting an increase of pension to Albert Deits;

H. R. 9437. An act granting an increase of pension to Elias A. Calkins;

H. R. 8921. An act granting an increase of pension to Jesse C. Rhodabek;

H. R. 14099. An act granting a pension to Samantha B. Van Brocklin;

H. R. 13823. An act granting a pension to Hannah T. Knowles;

H. R. 13807. An act granting a pension to Jeremiah Horan;

H. R. 13350. An act granting a pension to Presley P. Medlin;

H. R. 12685. An act granting a pension to Hiram J. Springfield;

H. R. 11343. An act granting a pension to Mary Louise Lowry;

H. R. 9928. An act granting a pension to Benjamin E. Styles;

H. R. 9249. An act granting a pension to Amos Allport;

H. R. 9226. An act granting a pension to Elizabeth I. Ogden; and

H. R. 8466. An act granting a pension to Lucinda A. Sirwell.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5406. An act to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, of South Carolina, to the mainland of Richmond County, Ga.;

S. 4264. An act providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians;

S. 3908. An act granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie military reservations, in Wyoming, the right to purchase one quarter section of public land on said reservation as pasture or grazing land, and for other purposes;

S. 1172. An act granting an increase of pension to Catharine F. Edmunds;

S. 593. An act for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota; and

S. 2782. An act to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company.

EDWIN A. WILSON.

By unanimous consent, at the request of Mr. FLYNN, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Edwin A. Wilson, Fifty-sixth Congress, no adverse report having been made thereon.

C. AUGUSTA URQUHART.

By unanimous consent, at the request of Mr. MEYER of Louisiana, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of C. Augusta Urquhart, Fifty-sixth Congress, no adverse report having been made thereon.

RECESS.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin that the House take a recess until 11 o'clock to-morrow morning? [After a pause.] The Chair hears none.

Accordingly at 4 o'clock and 57 minutes the House took a recess until 11 o'clock to-morrow morning.

AFTER THE RECESS.

The recess having expired, the House at 11 a. m. Tuesday, May 27, 1902, resumed its session.

The SPEAKER. The Clerk will report the next paragraph.

Mr. JENKINS. Mr. Speaker, before that is done I desire to ask unanimous consent to return to page 81 of the bill, between lines 21 and 23. When we passed this yesterday no amendment was offered, as was originally intended, because we had not an understanding with the Appropriation Committee with reference to it, and I desire now to offer the following amendment.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to recur to page 81 of the bill for the purpose of offering an amendment. If there is no objection, this will be done. [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 182 so it will read as follows:

"Sec. 182. If a balance be found due from the United States to the clerk, the same shall be paid (out of the appropriations for fees of clerks of United States courts), upon presenting to the Treasurer a copy of the decree duly certified. The clerk shall, as in other cases to which the United States is a party, furnish the Solicitor of the Treasury a copy of the decree immediately after it is pronounced."

Mr. JENKINS. Mr. Speaker, the reasons, I will say to the House, for asking for the adoption of the amendment are these:

Section 182 of the code provides for the payment of the clerk of the supreme court of the District of Columbia and his assistants, but makes no appropriation for the purpose when a balance is found due the clerk.

The Comptroller of the Treasury has decided that without an appropriation the section would be inoperative.

The expenses of the clerk's office, including salaries, are paid out of the fees of the office. Usually there is a balance due the United States, which is paid into the Treasury. Sometimes it occurs, however, that there is a balance due the clerk, in which case the expenses can not be paid without an appropriation.

The proposed amendment simply provides that when there is a balance due the clerk's office it shall be paid out of the current appropriation for fees of clerks of United States courts.

The proposed amendment has been submitted to and is not objected to by the chairman of the Committee on Appropriations of the House, and is approved by the Committee on the District of Columbia of the House.

Mr. KLEBERG. Mr. Speaker, I would ask what is the salary of the clerk and how it is paid now?

Mr. JENKINS. The clerk's salary is paid by the fee system. This is to render it unnecessary to have an appropriation when the amount is insufficient to pay him at that time; it rests in abeyance, so to speak, and when the fees come in he is then paid.

Mr. KLEBERG. Out of the fees?

Mr. JENKINS. Yes.

Mr. SMITH of Kentucky. He is paid a salary?

Mr. JENKINS. Yes; he is paid a salary out of the fees.

Mr. SMITH of Kentucky. But the fund is created by charging fees?

Mr. JENKINS. Yes; and he is paid out of the fees only. I will ask for a vote on the amendment.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Add after section 826 a new section, as follows:

"Sec. 826a. Offenses against property.—Whoever shall connect or disconnect any electrical conductor belonging to any company using or engaged in the manufacture and supply of electric current for purposes of light, heat, and power, or either of them, or makes any connection with any such electrical conductor for the purpose of using or wasting the electric current, or who in any wise tampers with any meter used to register current consumed, or who interferes with the operating of any dynamo or other electrical appliance of such company, or tampers with or interferes with the poles, wires, conduits, or other apparatus used by such companies, unless such person or persons shall be duly authorized by or be in the employ of such company, shall be punished by a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both."

Mr. RAY of New York. Mr. Speaker, I desire to offer an amendment. I notice that section reads:

Whoever shall connect or disconnect any electrical conductor belonging to any company—

And so forth.

It makes him guilty of a crime. I move to insert after the word "shall," in line 15, page 101, the word "knowingly;" so that it will read "whoever shall knowingly connect or disconnect."

The amendment was agreed to.

The Clerk read as follows:

Insert following section 845 the following additional section:

"Sec. 845a. Whoever having no title or color of title to the land affected shall maliciously cause to be recorded in the office of the recorder of deeds of the District of Columbia any deed, contract, or other instrument purporting to convey or to relate to any land in said District with intent to extort money or anything of value from any person owning such land, or having any interest therein, shall be fined not less than \$500 or imprisonment not more than two years, or both."

The SPEAKER. The Chair calls the attention of the gentleman from Wisconsin [Mr. JENKINS] to line 13, page 103. It seems that the letter "d" should be inserted in the word "recorded."

Mr. JENKINS. I ask that that correction be made.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Amend section 921 so that the first sentence thereof will read as follows:

"When two or more persons are jointly prosecuted, the court, before a defendant has gone into his defense, may direct any such defendant to be discharged that he may be a witness for the prosecution."

Mr. JENKINS. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out lines 19 to 24, both inclusive, page 107.

The amendment was agreed to.

The Clerk read as follows:

Amend section 962 so it will read as follows:

"SEC. 962. When lands escheat.—Any lands in the District of Columbia of which any person shall hereafter die seized in fee simple intestate, without any heir capable of inheriting, shall escheat to the United States."

Mr. MUDD. Mr. Speaker, I have an amendment to offer.

The SPEAKER. The gentleman from Maryland offers the following amendment.

The Clerk read as follows:

On page 108, after line 24, insert the following:

"Amend section 963, by adding at end of section the following:

"Provided, however, That all petitions for divorce pending on the 31st day of December, 1901, may be proceeded with and disposed of under the provision of the statutes in force on said date."

Mr. JENKINS. We have no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

At the end of chapter 25, following section 1073, insert the following additional section:

"SEC. 1073a. Whenever the court shall be satisfied that the party producing a witness has been taken by surprise by the testimony of such witness, such party may, in the discretion of the court, be allowed to prove for the purpose only of affecting the credibility of the witness that the witness has made to such party or to his attorney statements substantially variant from his sworn testimony about material facts in the cause; but before such proof can be given the circumstances of the supposed statements sufficient to designate the particular occasion must be mentioned to the witness and he must be asked whether or not he has made such statements."

Mr. RAY of New York. Mr. Speaker, on page 117, commencing with the word "whenever" in line 23, I move to strike out all down to line 9, page 118, and insert the following.

The SPEAKER. The gentleman from New York offers the following, which the Clerk will report:

The Clerk read as follows:

On page 117, commencing with the word "whenever" in line 23, strike out all down to line 9, page 118, and insert the following:

"The party producing a witness shall not be allowed to impeach his credit by evidence of bad character, but may contradict him by other evidence, and may also prove that he has made at other times statements inconsistent with his present testimony; but before such last-mentioned proof can be given the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he made such statements, and, if so, allowed to explain them."

Mr. RAY of New York. All I desire to say in regard to that is that the proposed amendment is the Massachusetts statute, which has worked very well, I am informed, but it is not the rule of law in my State and in some other States. I will consent to it as a compromise, however.

The amendment was agreed to.

The Clerk read as follows:

Amend the caption of section 1141 by adding thereto the words "or lunatic." Amend section 1141 by inserting in the eighth line thereof, after the word "copies," the words "of so much;" also by striking out in the same line the word "showing" and inserting in lieu thereof the words "as shows."

Mr. JENKINS. Mr. Speaker, I desire to offer an amendment.

The Clerk read as follows:

Strike out in lines 17 to 22, inclusive, page 119:

"Amend the caption of section 1141 by adding thereto the words 'or lunatic.' Amend section 1141 by inserting in the eighth line thereof, after the word 'copies,' the words 'of so much;' also by striking out in the same line the word 'showing' and inserting in lieu thereof the words 'as shows.'" And insert the same between lines 19 and 20 on page 121.

The amendment was agreed to.

Mr. SHAFROTH. Mr. Speaker, I desire to ask unanimous consent to return to page 91, for the purpose of offering an amendment.

The SPEAKER. The gentleman from Colorado asks unanimous consent to return to page 91 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. SHAFROTH. It is only a few words. Insert the words "not having a seal" after the word "Territory" in line 22 of said page.

The Clerk read as follows:

Page 91, line 22, after the word "Territory," insert the words "not having a seal."

Mr. JENKINS. I have no objection.

The SPEAKER. Without objection, the amendment will be agreed to. The Chair hears none.

The Clerk read as follows:

Amend section 1180 so that it will read as follows:

"SEC. 1180. WHAT IS USURY.—If any person or corporation shall contract in the District, verbally, to pay a greater rate of interest than 6 per cent per annum, or shall contract, in writing, to pay a greater rate than 10 per cent per annum, such person or corporation shall forfeit the whole of the interest so contracted to be received: Provided, That nothing in this chapter contained shall be held to repeal or affect the act of Congress approved March 2, 1880, relating to pawnbrokers."

Mr. UNDERWOOD. Mr. Speaker, I desire to offer an amendment. I wish to strike out the word "ten," in line 1, page 122, and insert the word "six." This provides that the legal rate of interest by written contract shall be 10 per cent in the District, whereas the same chapter only provides for 6 per cent where verbally made.

The SPEAKER. The gentleman from Alabama offers an amendment, which the Clerk will read.

The Clerk read as follows:

In line 1, strike out "ten" and insert "six."

Mr. JENKINS. I have no objection to the amendment.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk continued the reading of the bill.

Mr. JENKINS. Mr. Speaker, on account of the shortness of the time, I desire to ask unanimous consent that the further reading of the bill be omitted, with the privilege that any gentleman on the floor who has an amendment to any part of the bill not read shall offer it and have it considered.

The SPEAKER. The gentleman from Wisconsin, by reason of the brevity of the time, asks unanimous consent that the rest of the bill be considered as read, reserving to each member the right to offer an amendment now that he has to offer to the remaining part of the bill.

Mr. UNDERWOOD. I would like to ask if there is any provision in that part of the bill that has not been read providing for an increase of salaries?

Mr. JENKINS. None whatever. We have just passed one, I will say to the gentleman, for a warden down here, but it has already passed the House, and we do it at the request of the Senate to keep it altogether uniform.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. JENKINS. I yield to the gentleman from Missouri to offer an amendment.

The SPEAKER. Every gentleman has the right to offer an amendment to the remaining part of the bill without being yielded to.

Mr. COWHERD. I want to call the attention of my colleague to page 90, an amendment to section 462.

The SPEAKER. It will require unanimous consent to go back to that part of the bill.

Mr. COWHERD. I want to call the gentleman's attention to it first, and then ask unanimous consent to go back. That amendment should be stricken out. It is an amendment put in by the Senate, and if it stays there, then it will have passed both the Senate and the House.

Mr. JENKINS. I have no objection to that being stricken out.

The SPEAKER. Without objection, unanimous consent will be given to return to that part of the bill.

There was no objection.

Mr. COWHERD. What I want stricken out is the words "except in cases before a justice of the peace." But strike out the amendment.

The Clerk read as follows:

Strike out lines 4, 5, and 6 on page 90.

The SPEAKER. Without objection, this amendment will be agreed to.

There was no objection.

Mr. COWHERD. I also desire, on page 92, to strike out section 498.

The SPEAKER. Without objection, that amendment will be agreed to.

Mr. JENKINS. I have no objection to the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the amendments on lines 16, 17, 18, and 19, page 92.

The SPEAKER. Without objection, this amendment will be agreed to. The Chair hears none.

Mr. COWHERD. One other amendment, please, Mr. Speaker. I want to call my colleague's attention to the word "hirelings," on page 112. I think it was intended to be "hirings." The letters "el" should be stricken out of the word "hirelings."

Mr. JENKINS. The gentleman is correct.

The SPEAKER. Without objection, the amendment will be agreed to.

Mr. RAY of New York. Mr. Speaker, I offer an amendment. The Clerk read as follows:

Insert in line 5, page 124, after the word "age," the following: "except for necessities."

Mr. JENKINS. I have no objection to the amendment being agreed to.

There was no objection, and the amendment was agreed to.

The SPEAKER. Is there any other amendment? If not, the question is on the substitute amendment as amended.

The question was taken, and the substitute amendment as amended was agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JENKINS. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAM W. KITCHIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAM W. KITCHIN. I desire to correct the RECORD.

The SPEAKER. That will be in order after this day's adjournment takes place.

The motion was agreed to; and accordingly (at 11 o'clock and 55 minutes a. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting papers relating to the claim of Herman Uthoff—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting recommendation of an appropriation for payment of the claim of John Stewart, civil engineer—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads, reported the same without amendment, accompanied by a report (No. 2243); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11572) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants, reported the same with amendments, accompanied by a report (No. 2244); which said bill and report were referred to the House Calendar.

Mr. GROW, from the Committee on Education, to which was referred the bill of the Senate (S. 4419) to incorporate the general education board, reported the same without amendment, accompanied by a report (No. 2245); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the joint resolution of the Senate (S. R. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903, reported the same without amendment, accompanied by a report (No. 2240); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 14353) to authorize the United States Commissioner of Fish and Fisheries to establish fish-cultural stations, including the purchase of sites, construction of buildings and ponds, and equipment; to establish in the State of Florida on the Gulf of Mexico a station for the investigation of problems connected with the marine fishery interests of that region; to provide for an investigation to determine the best available locality in Oregon or Washington at which to establish a biological station, making appropriations therefor, and for other purposes, reported the same with amendments, accompanied by a report (No. 2246); which said bill and report were referred to the Committee of the Whole on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11258) granting a pension to William F. Randolph, reported the same with amendment, accompanied by a report (No. 2198); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4710) granting a pension to Anna May Hogan, reported the same without amendment, accompanied by a report (No. 2199); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the House (H. R. 14024) granting an increase of pension to John R. Curry, reported the same with amendment, accompanied by a report (No. 2200); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5402) granting an increase of pension to Hiram H. Thomas, reported the same without amendment, accompanied by a report (No. 2201); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14355) granting an increase of pension to Timothy Donohoe, reported the same with amendment, accompanied by a report (No. 2202); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3567) granting an increase of pension to Peter J. Osterhaus, reported the same without amendment, accompanied by a report (No. 2203); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14136) granting an increase of pension to John D. Thompson, reported the same with amendment, accompanied by a report (No. 2204); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4783) granting an increase of pension to Mary Breckons, reported the same without amendment, accompanied by a report (No. 2205); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13411) granting an increase of pension to Clarence D. Hess, reported the same with amendments, accompanied by a report (No. 2206); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3041) granting an increase of pension to Emma F. Shilling, reported the same without amendment, accompanied by a report (No. 2207); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14273) granting a pension to John H. Whidden, reported the same with amendments, accompanied by a report (No. 2208); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5424) granting an increase of pension to Cynthia J. Shattuck, reported the same without amendment, accompanied by a report (No. 2209); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9691) granting an increase of pension to James H. Joseph, reported the same with amendment, accompanied by a report (No. 2210); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5141) granting an increase of pension to Charles Barrett, reported the same without amendment, accompanied by a report (No. 2211); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13848) granting an increase of pension to James H. Chedister, reported the same with amendments, accompanied by a report (No. 2212); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1184) granting a pension to Mary Florence Von Steinwehr, reported the same without amendment, accompanied by a report (No. 2213); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10214) granting an increase of pension to Henry Thomas, reported the same with amendments, accompanied by a report (No. 2214); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 896) granting an increase of pension to James E. McNair, reported the same without amendment, accompanied by a report (No. 2215); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13722) granting a pension to Edd Lodge, reported the same with amendment, accompanied by a report (No. 2216); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5227) granting an

increase of pension to Elizabeth Whitty, reported the same without amendment, accompanied by a report (No. 2217); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2483) granting a pension to James A. Clifton, reported the same with amendment, accompanied by a report (No. 2218); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5214) granting an increase of pension to Charles F. Smith, reported the same without amendment, accompanied by a report (No. 2219); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13598) granting a pension to John J. Southerland, reported the same with amendment, accompanied by a report (No. 2220); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2048) granting an increase of pension to Lewis G. Latour, reported the same without amendment, accompanied by a report (No. 2221); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 636) granting an increase of pension to Benjamin S. Bogardus, reported the same with amendments, accompanied by a report (No. 2222); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4934) granting an increase of pension to Francis M. McAdams, reported the same without amendment, accompanied by a report (No. 2223); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11979) granting an increase of pension to William W. Anderson, reported the same without amendment, accompanied by a report (No. 2224); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2050) granting an increase of pension to Edward N. Goff, reported the same without amendment, accompanied by a report (No. 2225); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11485) granting a pension to Julia McCarthy, reported the same with amendments, accompanied by a report (No. 2226); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2389) granting an increase of pension to Benjamin S. Harrower, reported the same without amendment, accompanied by a report (No. 2227); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10876) granting an increase of pension to Joseph Mote, reported the same with amendment, accompanied by a report (No. 2228); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5650) granting an increase of pension to William R. Raymond, reported the same without amendment, accompanied by a report (No. 2229); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10005) granting an increase of pension to William A. Henderson, reported the same with amendments, accompanied by a report (No. 2230); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5466) granting an increase of pension to Edgar T. Chamberlin, reported the same without amendment, accompanied by a report (No. 2231); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14477) granting a pension to John Bruff, reported the same with amendment, accompanied by a report (No. 2232); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5007) granting an increase of pension to James Irvine, reported the same without amendment, accompanied by a report (No. 2233); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7018) granting an increase of pension to Jason E. Freeman, reported the same

with amendment, accompanied by a report (No. 2234); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8825) granting an increase of pension to Lizzie I. Rich, reported the same with amendments, accompanied by a report (No. 2235); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5920) granting a pension to Washington T. Filson, reported the same with amendments, accompanied by a report (No. 2236); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13547) granting a pension to David B. Wood, reported the same with amendments, accompanied by a report (No. 2237); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12563) granting an increase of pension to Horace Fountain, reported the same with amendment, accompanied by a report (No. 2238); which said bill and report were referred to the Private Calendar.

Mr. JOY, from the Committee on Accounts, to which was referred the House resolution (H. Res. 243) providing two additional clerks for the Committee on Enrolled Bills, reported the same without amendment, accompanied by a report (No. 2239); which said report was ordered printed.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 8260) for the relief of F. H. Driscoll, reported the same without amendment, accompanied by a report (No. 2241); which said bill and report were referred to the Private Calendar.

Mr. STORM, from the Committee on Claims, to which was referred the bill of the Senate (S. 4903) for the relief of Emma Morris, reported the same without amendment, accompanied by a report (No. 2242); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 831) granting an increase of pension to Fannie M. Lorain; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14695) for the protection of the President, Vice-President, and any person acting as President of the United States—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: A bill (H. R. 14696) for the relief of the widows and orphans left destitute by the recent mine explosion in Tennessee—to the Committee on Appropriations.

By Mr. FOSS: A bill (H. R. 14697) regulating the duties and fixing the compensation of the customs inspectors of the port of Chicago—to the Committee on Ways and Means.

By Mr. FOWLER: A bill (H. R. 14698) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States"—to the Committee on the Judiciary.

By Mr. BARTHOLDT: A bill (H. R. 14699) for the erection of a monument to the memory of Brig. Gen. Nathaniel Lyon at St. Louis, Mo.—to the Committee on the Library.

By Mr. McCLEARY: A bill (H. R. 14733) granting right of way for telegraph and telephone lines in the district of Alaska—to the Committee on the Public Lands.

By Mr. SHERMAN: A resolution (H. Res. 270) for a rule for the consideration of S. R. 105, supplementing and modifying certain provisions of the Indian appropriation act—to the Committee on Rules.

By Mr. MOODY of North Carolina: A resolution (H. Res. 271) for a rule for the consideration of H. R. 13523—to the Committee on Rules.

By Mr. COCHRAN: A resolution (H. Res. 272) requesting the President to furnish information of the investigation of the alleged maintenance of the British military supply camp in the State of Louisiana—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURK of Pennsylvania: A bill (H. R. 14700) granting a pension to Frederick Agastoff—to the Committee on Pensions.

By Mr. BURLEIGH: A bill (H. R. 14701) granting a pension to Mary A. Peters—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 14702) for the relief of the heirs of A. G. Compton and J. R. Herndon—to the Committee on Claims.

Also, a bill (H. R. 14703) for the relief of the heirs of A. G. Compton—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 14704) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 14705) to increase the pension of Lucien Bonapart Love—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14706) granting a pension to Harrison N. Gourley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14707) granting an increase of pension to Albertus Leovisin Paine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14708) granting a pension to James W. McCune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14709) granting a pension to James R. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14710) granting a pension to John Snay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14711) granting a pension to John Tucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14712) granting a pension to Alice Harrison—to the Committee on Pensions.

Also, a bill (H. R. 14713) granting a pension to Emma A. Baxter—to the Committee on Pensions.

Also, a bill (H. R. 14714) to enable Fredrich Burckhardt to make application to the Commissioner of Patents for the extension of letters patent—to the Committee on Patents.

By Mr. COUSINS: A bill (H. R. 14715) granting an increase of pension to Edward Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14716) granting an increase of pension to Jeremiah S. Alexander—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 14717) for the relief of John W. Foster—to the Committee on War Claims.

By Mr. FLETCHER: A bill (H. R. 14718) granting a pension to Martin H. Gerry—to the Committee on Pensions.

By Mr. GOOCH: A bill (H. R. 14719) granting a pension to Nettie Hume, widow of W. R. Hume—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14720) granting a pension to William R. Buford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14721) granting a pension to Jasper Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14722) granting a pension to C. H. Conn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14723) to remove the charge of desertion against W. H. Liler—to the Committee on Military Affairs.

Also, a bill (H. R. 14724) to remove the charge of desertion against Jordan Kidwell—to the Committee on Military Affairs.

By Mr. HANBURY: A bill (H. R. 14725) to correct the military record of Michael Keegan—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 14726) granting an increase of pension to Hiram Booth—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 14727) granting a pension to Eliza A. McWilkie—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 14728) granting a pension to John Maldoon—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 14729) granting an increase of pension to Lee P. Garrett—to the Committee on Invalid Pensions.

By Mr. SELBY: A bill (H. R. 14730) granting an increase of pension to John M. Koffenberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14731) granting a pension to Martha Day, widow of Harrison Day—to the Committee on Invalid Pensions.

By Mr. SKILES: A bill (H. R. 14732) granting an increase of pension to Grace M. Read—to the Committee on Pensions.

By Mr. COCHRAN: A bill (H. R. 14734) for the relief of John F. Tyler—to the Committee on Military Affairs.

By Mr. BRUNDIDGE: A bill (H. R. 14735) granting an increase of pension to Samuel H. Crawley—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 14736) for the relief of Thomas B. Bird—to the Committee on Military Affairs.

Also, a bill (H. R. 14737) granting an increase of pension to James A. Cilley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of William T. Campbell Post, No.

375, of Normalville, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. ADAMS: Resolution of the Shoe Manufacturers' Association of Philadelphia, Pa., in favor of Senate bill 1118, to limit the meaning of the word "conspiracy," etc., in certain cases—to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of members of the bar of Muscogee superior court, favoring the sitting of circuit court of appeals at Atlanta, Ga.—to the Committee on the Judiciary.

By Mr. BURK of Pennsylvania: Resolutions of the National Business League, of Chicago, Ill., for the establishment of a department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Shoe Manufacturers' Association of Philadelphia, Pa., against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of citizens of Ragged Top, S. Dak., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CANNON: Papers to accompany House bill granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. CLARK: Petition of Vandalia Post, No. 466, Grand Army of the Republic, Department of Missouri, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. CONRY: Resolution of the Norwood, Mass., Board of Trade, in favor of a permanent exposition at Shanghai, China—to the Select Committee on Arts and Expositions.

Also, resolutions of the city councils of Malden and Somerville, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of the Keokuk Dental College, Keokuk, Iowa, favoring the passage of House bill 13971, in relation to dental surgeons in the Navy—to the Committee on Naval Affairs.

By Mr. CROMER: Resolutions of the common council of New Britain, Conn., and Yonkers Republican general committee, of Yonkers, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DINSMORE: Petition of John W. Foster, of the State of Arkansas, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of D. W. Evans and other citizens of Boone County, Ark., for relief—to the Committee on Appropriations.

Also, petition of J. L. Longroth, for increase of pension—to the Committee on Invalid Pensions.

By Mr. FOSS: Resolutions of thirty-sixth annual encampment of the Department of Illinois, Grand Army of the Republic, in relation to the perpetuation of the Vicksburg Military Park—to the Committee on Military Affairs.

By Mr. GOOCH: Resolutions of Turn Gemeinde, of Covington, Ky., advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

Also, resolution of North American Gymnastic Union of Covington, Ky., favoring an educational immigration test—to the Committee on Immigration and Naturalization.

By Mr. GRIFFITH: Petition of Hon. S. A. Barnes and 150 other citizens of Seymour, Ind., urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of North American Gymnastic Union of Evansville, Ind., in opposition to the passage of House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. JONES of Washington: Resolutions of the city council of Tacoma, Wash., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHAM: Petition of W. H. D. Blake and 20 others, of Ettinge Post, Grand Army of the Republic, New Paltz, N. Y., favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. KEHOE: Petition of sundry citizens of Maysville, Ky., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KERN: Resolutions of the Central Trades and Labor Union of East St. Louis, Ill., in support of House bill 3057, for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

Also, memorial of Department of Illinois, Grand Army of the Republic, favoring the retention of three commissioners for national military parks, etc.—to the Committee on Military Affairs.

By Mr. MANN: Resolutions of thirty-sixth annual encampment of the Department of Illinois in relation to Vicksburg Military Park—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolutions of the board of aldermen of the city of Boston, Mass., and city council of Malden, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Petitions of citizens of the State of Wisconsin in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. PADGETT: Petition of Julia Gailey, widow of Hiram Gailey, of Wayne County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. PATTERSON of Pennsylvania: Resolutions of United Mine Workers' Union No. 1687, of Seek; No. 1688, of Delaware; No. 1638, of Mount Pleasant, and No. 1464, of Girardsville, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RIXEY: Petition of the heirs of Thomas Cooksey, deceased, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUPPERT: Resolutions of Atlantic Coast Firemen's Union and Clothing Cutters and Trimmers' Association, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Resolutions of the common council of New Britain, Conn., favoring the letter carriers' classification bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Kentucky: Petition of citizens of Ohio County, Ky., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. SPERRY: Resolutions of the common council of New Britain, Conn., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Connecticut Electric Medical Association, favoring a physiological and psychological laboratory—to the Committee on Agriculture.

By Mr. SULZER: Resolutions of Atlantic Coast Marine Firemen's Union of New York City, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Resolution of the Fitchburg Benevolent Union, for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, May 27, 1902.

Prayer by Rev. W. E. PARSON, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

NONDISAPPEARING CARRIAGES.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair) laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 10th instant, tables prepared by the Chief of Ordnance, showing the number of barbette carriages which have been manufactured in each year since July 1, 1893, with the price paid for manufacture, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

EXPENSES OF NAVAL OPERATIONS IN THE PHILIPPINES.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 17th ultimo, a statement prepared by the Paymaster-General of the Navy relative to the amount of money expended, the amount for which the Government is liable, remaining unpaid, for equipment, transportation, supplies, and naval operations in the Philippine Islands each year from May 1, 1898, to the present time. The Chair is in doubt as to what committee this communication should be referred, and suggests that, if there be no objection, the communication, with the accompanying papers, will be ordered printed and referred to the Committee on the Philippines.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes; and

A joint resolution (S. R. 87) to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

The message also announced that the House had passed with an amendment the bill (S. 4927) granting an increase of pension to